

eral, shall advertise for plans and specifications for said buildings for thirty days in not more than two daily newspapers published in this State; and he, together with the Lieutenant Governor and the Attorney General, shall constitute a board for the purpose of having said buildings erected and shall have full power and authority to do and perform all things necessary to carrying out the purpose of this Act. Provided, that all buildings authorized by this Act and for which an appropriation is hereby made, shall be of fireproof construction, and that part of all plans and specifications for the erection of said buildings relating to fire protection shall be subject to the approval of the State Fire Insurance Commission.

Sec. 7. That there shall be, and there is hereby, appropriated out of the general revenues of this State, not otherwise appropriated, the sum of four hundred thousand dollars (\$400,000.00) for the payment for the lands selected for a site and expenses incurred in procuring the same, and for the buildings and improvements on said lands as herein provided.

Sec. 8. Whereas, there are now a large number of insane persons in the jails of this State, and whereas the present asylums of this State are not sufficient to properly care for the support and maintenance of such insane persons, and whereas it is not to the public interest that such unfortunate people be confined in the jails of Texas, creates a public emergency and imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Engrossed Rider to House Bill
No. 465.

(1) Amend House Bill No. 465, page 1, line 33, by inserting after the word "appoint" the following: "by and with the advice and consent of the Senate."

(2) Amend House Bill No. 465 by striking out Section 4 of said bill and renumbering the other sections to conform therewith.

Adopted March 10, 1917.

BOB BARKER,
Chief Clerk, House of Representatives.

FIFTIETH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, March 14, 1917.

The Senate met at 4:15 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	

Absent.

Clark.	Johnston of Harris.
Hudspeth.	Woodward.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

House Bill No. 227—Special Order.

By unanimous consent and on request of Senator Clark, H. B. No. 227 was set as a special order for 10 o'clock tomorrow (Thursday) morning.

Senate Bill No. 268—House Amendments Concurred In.

Senator Buchanan of Scurry called up for consideration of House amendments to

S. B. No. 268, A bill to be entitled "An Act directing the State Superintendent of Public Instruction to require the county judges, county, city and town superintendents, county and city treasurers and depositories of

school boards and other school officers and teachers certain reports relating to school funds and school affairs; providing that the State Superintendent shall furnish blanks for such purpose; providing a penalty for a failure on the part of such officers to make such reports within twenty days after required by the State Superintendent, and declaring an emergency."

The following House amendment was laid before the Senate:

Amend S. B. No. 268 by inserting after the word "imprisonment" at the end of Section 1 of said bill the words "and the State Superintendent of Public Instruction shall withhold warrants for further payment of State apportionment until the aforesaid officials have made satisfactory reports as herein directed."

The amendment was concurred in by the Senate on motion of Senator Buchanan of Scurry.

(President Pro Tem. Henderson in the chair.)

House Bill No. 237—Special Order.

By unanimous consent and on request of Senator Hall, House Bill No. 237 was set as a special order for tomorrow (Thursday), to follow immediately after the consideration of House Bill No. 225.

Bills and Resolutions.

By Senator Johnson:

S. B. No. 485. A bill to be entitled "An Act creating the Lodge Independent School District, in Hall County, Texas; defining its boundaries and authority, abolishing common school districts No. 11, 15 and 25 in Hall County and declaring that all property owned in said districts is vested out of them and into the proper authority as the property of the said Lodge Independent School District, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Caldwell:

S. B. No. 486. A bill to be entitled "An Act making an emergency appropriation for the support of the Deaf and Dumb and Blind Institute, for colored youths for the fiscal year ending

August 31, 1917, and declaring an emergency."

Read first time and referred to Committee on Finance.

Senate Concurrent Resolution No. 28.

Resolved, By the Senate of Texas, the House concurring, that a committee of eight members, three to be appointed by the Lieutenant Governor and five to be appointed by the Speaker of the House of Representatives, for the purpose of arranging for the reception of the Hon. W. J. Bryan, who is to address the Legislature on next Saturday morning.

FLOYD.

The resolution was read and adopted.

Simple Resolution No. 122.

Whereas, the following employees of the Senate are regularly employed by this Senate, and

Whereas, There are always a large number of applications from all over the State present at the opening of each session, a majority of whom cannot be employed for the reason that there are not enough places for all of said applicants, and

Whereas, Under the present system of selection, a goodly number of Senators are deprived of securing a place for anyone from their district, and

Whereas, Every Senator on this floor is entitled to an equal amount of patronage, and to the end that so many applicants who cannot secure employment may not attend the opening with hope and expectation of securing employment,

Therefore, Be it resolved, by the Senate, that the Senators may hereafter be allowed to nominate for attaches in the following manner:

Senators from District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 shall be allowed to nominate candidates for the following attaches of this Senate in accordance with the following named positions: i. e. Senator from 1st District shall be allowed to nominate for first place named; and at each succeed.

ing regular session, we request our successors to adopt this method and at each succeeding regular session to change so that the Senator from District No. 2, may nominate for place No. 1, and Senator from District No. 3, may nominate for place No. 2, etc., and at each succeeding regular session, the next Senator according to his district number, shall be allowed to nominate for place No. 1, and the next Senator for place No. 2. The following shall be considered numerical enumeration of places:

Place No. 1, Assistant Secretary of the Senate; Place No. 2, Journal Clerk; Place No. 3, First Assistant Journal Clerk; Place No. 4, Second Assistant Journal Clerk; Place No. 5, Calendar Clerk; Place No. 6, Assistant Calendar Clerk; Place No. 7, Chaplain; Place No. 8, Sergeant-at-Arms; Place No. 9, First Assistant Sergeant-at-Arms; Place No. 10, Second Assistant Sergeant-at-Arms; Place No. 11, Doorkeeper; Place No. 12, First Assistant Doorkeeper; Place No. 13, Second Assistant Doorkeeper; Place No. 14, Engrossing Clerk; Place No. 15, Assistant Engrossing Clerk; Place No. 16, Enrolling Clerk; Place No. 17, Assistant Enrolling Clerk; Place No. 18, Postmaster; Place No. 19, Notarial Clerk; Place No. 20, Mailing Clerk; Place No. 21, Assistant Mailing and Notarial Clerk; Place No. 22, Librarian; Place No. 23, Night Librarian; Place No. 24, Clerk, Finance Committee; Place No. 25, Stenographer, Finance Committee; Place No. 26, Two Pages to be recommended to Lieut. Governor; Place No. 27, Two Pages to be recommended to Lieut. Governor; Place No. 28, Two Pages to be recommended to Lieut. Governor; Place No. 29, Two Pages to be recommended to Lieut. Governor; Place No. 30, Two Pages to be recommended to Lieut. Governor; Place No. 31, Two Pages to be recommended to Lieut. Governor.

And all other employees and attaches shall be elected by the Senate in accordance with present usage.

The resolution was read and by unanimous consent was ordered printed in the Journal.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House refused to pass to third reading S. J. R. No. 8, A joint resolution to amend Section 4 of Article 11 of the Constitution of the State of Texas by providing that towns and cities having a population of less than five thousand inhabitants may assess and collect an annual tax to defray the current expenses of their local government not to exceed one-half of one per cent of the taxable property thereof for any one year.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills:

S. B. No. 183, A bill to be entitled "An Act authorizing the incorporation by those engaged in agricultural pursuits of farmers' cooperative societies; defining the character of their business, purpose and locality of such corporations, and declaring an emergency," with amendments.

S. B. No. 223, A bill to be entitled "An Act to provide for the purchase and lease of real property by county school trustees of all common school districts and of those independent school districts having less than 150 scholastics, and by the trustees of all independent school districts having 150 scholastics or more in the State of Texas, by condemnation proceedings, for the purpose of furnishing play grounds and sites upon which to build school houses and for agricultural purposes to be used in connection with said schools," with amendments.

S. B. No. 224, A bill to be entitled "An Act to amend Title 86, Chapter 4, of the Revised Civil Statutes of 1911, by adding after Article 5644 a new article to be entitled 5644a, providing for a lien for newspaper workers in the editorial or

reportorial department of any newspaper, publication or periodical, whether it be daily or otherwise, also any solicitor, clerk or other employe in the advertising business office of any newspaper, publication or periodical, whether it be daily or otherwise, and declaring an emergency."

S. B. No. 334, A bill to be entitled "An Act to make an emergency appropriation for the purpose of purchasing and installing a storage tank and other facilities to store and convey oil from the Southwest Texas State Normal, and declaring an emergency."

S. B. No. 343, A bill to be entitled "An Act to amend Articles 7282, 7283, 7284, 7285, 7286, 7287 and 7289, of Chapter 7, Title 124, of the Revised Civil Statutes of Texas, 1911, providing for the protection of stock raisers in certain localities, and declaring an emergency."

S. B. No. 231, A bill to be entitled "An Act authorizing the State Normal School Board of Regents to purchase the properties of the East Texas Normal College located at Commerce, in Hunt county, Texas, in so far as the appropriation made provides for the purpose and to receive the balance of the value thereof as a donation in the event the board should find the facts stated in the preamble to this bill substantially true, and providing that if the board should not find the properties equal to the value stated in the preamble they may decline to purchase the property until further directed by the Legislature; providing for an examination of the title of the property by the Attorney General, the execution of deeds and bills of sale to the Governor of the State for use and benefit of the State; creating a normal school to be one of the normal schools of the State, to consist of the original equipment, properties and buildings of the present existing East Texas Normal College located at Commerce, as aforesaid; providing that said normal college shall be conducted as other State normals, under the management and control of said board; declaring that all laws of the State applicable to State normals shall be applicable to said East Texas Normal College; providing that the appropriation shall not be paid over in the con-

summation of the purchase to the properties here referred to prior to the 31st of August, A. D. 1917, authorizing the said board after the purchase of the property to permit the school to continue under its present management as a private institution until the Thirty-sixth Legislature makes an appropriation for its support and maintenance; appropriating the sum of \$80,000 for the purchase of said property, and declaring an emergency."

S. B. No. 247, A bill to be entitled "An Act to amend Chapter 48 of the laws of the Regular Session of the Thirty-first Legislature, 1909, relative to the appointment of assistant district attorneys, prescribing the mode of appointment of district attorneys in districts containing a city of 39,000 population or more according to the United States census of 1910 and in which there is established no criminal district court, prescribing the qualification of such assistant district attorney, defining his duties and providing a method for his removal from office, fixing his salary, and declaring an emergency," with amendments.

S. B. No. 464, A bill to be entitled "An Act to amend Chapter 141 of the General Laws enacted by the Thirty-third Legislature in 1913, approved by the Governor on April 7, 1913, being an act entitled 'An Act to carry into effect the provisions of the amendment to Section 51 of Article 3 of the Constitution of the State of Texas, adopted at an election in said State on the 5th day of November, A. D., 1912, and formally declared to be a part of said Constitution by a proclamation of the Governor of the State, issued heretofore on the 30th day of December, A. D. 1912, etc., and declaring an emergency."

S. B. No. 264, A bill to be entitled "An Act to authorize and permit W. A. Eastham, Duncan Eastham and Luther Eastham, Jr., as executors of and devisees under the last will of Mrs. Delha Eastham, deceased, to sue the State of Texas and the Prison Commissioners of the State of Texas in the district court of Walker county," with amendments.

S. B. No. 390, A bill to be entitled "An Act to amend an act entitled 'An Act to provide for the estab-

lishment and maintenance of a State training school upon the cottage plan for dependent and delinquent girls of Texas, to locate same and provide for its control and management, and to make conditional appropriations, and to provide for private county and city donations for its establishment, and declaring an emergency," which act is known as Chapter 144 of the Acts of the Thirty-third Legislature, and making it an offense to persuade, coerce or employ any inmate of such institution, or any home selected by the authorities thereof for any girl committed to such institution, to leave such institution or home, and making it an offense to aid, advise, encourage or furnish means for any inmate to escape from said institution or to aid or facilitate such escape, or to hide or conceal any inmate after she has escaped, and providing for punishment therefor."

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 116, A bill to be entitled "An Act providing for the creation of the office of assistant district attorney for the Sixth Judicial District of Texas; defining the duties and qualifications of said office; fixing the bond and salary, and declaring an emergency."

S. B. No. 354, A bill to be entitled "An Act to create a more efficient road system for Callahan County, making county commissioners ex-officio road commissioners, and declaring an emergency."

S. B. No. 388, A bill to be entitled "An Act to create the Wharton Independent School District in Wharton County, Texas."

S. B. No. 368, A bill to be entitled "An Act to amend Article 6096, Chapter 1, Title 101, of the Revised Civil Statutes of the State of Texas, pertaining to partitions and authorizing the partition of any real estate, or of any interest therein, or of any mineral, coal, petroleum, or gas

lands, whether held in fee or by lease or otherwise, and declaring an emergency."

S. B. No. 465, A bill to be entitled "An Act incorporating the Valley Mills Independent School District in Bosque and McLennan Counties, Texas, for free school purposes only, and divesting the present Valley Mills Independent School District and its board of trustees of the control of its public free schools, and of the title to all school property therein, and vesting the same in the said Valley Mills Independent School District and its board of trustees, and prescribing the rights, powers, privileges and duties of said Valley Mills Independent School District and its board of trustees, and declaring an emergency."

H. B. No. 239, A bill to be entitled "An Act to diminish the civil jurisdiction of the county court of Falls County, Texas; conferring said civil jurisdiction upon the district court of said county and conforming the jurisdiction of said district court to said change; repealing all laws and parts of laws in conflict or inconsistent herewith, and declaring an emergency," with amendment.

The House adopted S. C. R. No. 28, and the following have been appointed on the part of the House: Messrs. Cope, Mendell, Monday, Butler and Terrell.

Respectfully,

ED GRAHAM,

Acting Chief Clerk, House of Representatives.

Bill Read and Referred.

The Chair (Lieutenant Governor Hobby) had referred, after its caption had been read, the following House Bill.

House Bill No. 239, referred to the Committee on Counties and County Boundaries.

House Bill No. 364.

The Chair laid before the Senate on second reading

H. B. No. 364, A bill to be entitled "An Act to require the publication in some newspaper of general circulation of all notices now required

by law or contract to be given of any proceeding, whether public or private, or relating to a judicial, executive or legislative matter, which notice is now authorized by law or contract to be made by posting notices in one or more public places, fixing a time of such publication, and the compensation; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report carrying the committee amendments and that the bill be not printed was adopted.

Senator Johnson of Hall offered the following amendments, which were read and adopted, being voted on separately:

(1) Amend the bill by striking out the engrossed rider reading as follows:

"Amend H. B. No. 364, Section 1, by adding thereto the following: 'Provided, that the provisions of this Act shall not apply to sales made under a written contract wherein it is provided that notice of sale thereunder may be posted.'"

(2) Amend the bill by striking out the engrossed rider reading as follows:

"Amend H. B. No. 364 by adding in Section 4, page 1, line 36, after the word 'be' the words 'not more than,' line 37, Section 4, page 1, after the word 'and' the words 'not more than.'"

Senator Lattimore offered the following amendment, which was read and adopted.

(3) Amend H. B. No. 364 by adding after the word "occur" in line 7, printed bill, the following:

"Provided that no notice in probate, when the appraised value of the estate in which same is issued is less than \$1,000, shall ever be required to be published under the terms of this Act unless so required under the terms of other statutes."

The bill was read second time and passed to its third reading.

On motion of Senator Johnson of Hall, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 364 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Buchanan of Scurry.
Bee.	Caldwell.
Buchanan of Bell.	Clark.

Dean.	Lattimore.
Decherd.	McCollum.
Floyd.	Page.
Hall.	Parr.
Harley.	Robbins.
Henderson.	Smith.
Johnson of Hall.	Strickland.
Johnston of Harris.	Sulter.
King.	Westbrook.

Absent.

Bailey.	Hudspeth.
Dayton.	McNealus.
Gibson.	Woodward.
Hopkins.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—23.

Alderdice.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Caldwell.	McCollum.
Clark.	Page.
Dayton.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Sulter.
Henderson.	Westbrook.
Johnson of Hall.	

Nays—2.

Dean.	Hopkins.
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Absent.

Bailey.	Hudspeth.
Gibson.	Woodward.

Pair Recorded.

Senator Buchanan of Scurry (present), who would vote "no;" Senator McNealus (absent), who would vote "aye."

Reasons for Vote.

We voted "no" on the final passage of this bill because its provisions discriminated against newspapers published outside county sites. Since the bill has been returned from the House for correction it has been amended so as to eliminate this discrimination. We therefore vote "aye."

KING,
FLOYD.

House Joint Resolution No. 15.

The Chair laid before the Senate on third reading:

H. J. R. No. 15, Proposing to amend the Constitution of the State of Texas by amending Section 2, Article 6, of the Constitution by striking out and repealing said Section 2 and substituting in lieu thereof another Section 2, defining qualified electors in this State, prescribing where such electors may vote, fixing the time for the election for the adoption or rejection of said constitutional amendment, making certain provisions for said election, and the ballots thereof and method of voting, directing the issuance of proclamations therefor, prescribing certain duties for the Governor of the State, and making an appropriation to defray expenses of said election."

The resolution was laid before the Senate, read third time and failed to pass by the following vote:

Yeas—18:

Alderdice.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	McNealus.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Nays—10.

Bailey.	Harley.
Bee.	Lattimore.
Caldwell.	McCollum.
Clark.	Page.
Hall.	Parr.

Absent.

Gibson.	King.
Hudspeth.	

Senator Lattimore moved to reconsider the vote by which Senate Joint Resolution No. 15 failed to pass and spread on the Journal the motion to reconsider.

The motion prevailed.

House Bill No. 105.

The Chair laid before the Senate on its third reading:

H. B. No. 105, A bill to be entitled

"An Act to amend Article 7382, Title 126, Chapter 2, of the Revised Civil Statutes of Texas, 1911, so as to exempt from taxation upon gross receipts in cities and towns of five thousand population or less, as given by the last Federal census, each and every individual, company, corporation or association owning, operating, managing or controlling any telephone line or lines or any telephones within this State and charging for the use of same."

Senator Lattimore offered the following amendment, which was read and unanimously adopted:

Amend caption of House Bill No. 105 by striking out the word "where" in line 5 of the same and inserting the word "whose," and by striking out the last line of the caption and inserting the following: "In certain instances specified."

Senator Lattimore offered the following amendment:

Amend House Bill No. 105 by striking out all after the word "report" in the fifth line from the end of the proposed Article 7382 and inserting in lieu thereof the following: "Provided that no telephone company, corporation or association shall ever be exempt from the provisions of this Article, if same be a subsidiary company, corporation or association of any corporation organized under the laws of any State other than Texas; or whose capital stock or physical properties are owned by any such foreign corporation, and unless same be incorporated under the laws of the State of Texas."

The amendment was adopted by the following vote:

Yeas—22.

Alderdice.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Clark.	Page.
Dayton.	Parr.
Dean.	Smith.
Floyd.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Nays—3.

Bailey.	Robbins.
Caldwell.	

Absent.

Decherd.	Hudspeth.
Gibson.	McCollum.
Harley.	McNealus.

Senator Page offered the following amendment:

Amend the bill by striking out the words "thirty thousand dollars" in Article 7382 of Section 1, and insert in lieu thereof "one thousand dollars."

Senator Smith moved to table the amendment, and the motion was lost by the following vote:

Yeas—9.

Alderdice.	Lattimore.
Buchanan of Bell.	Robbins.
Floyd.	Smith.
Hopkins.	Strickland.
Johnson of Hall.	

Nays—14.

Bee.	Henderson.
Buchanan of Scurry.	King.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Sulter.
Dean.	Westbrook.
Hall.	Woodward.

Absent.

Bailey.	Hudspeth.
Decherd.	Johnston of Harris.
Gibson.	McCollum.
Harley.	McNealus.

Action recurred upon the pending amendment and the same was lost by the following vote:

Yeas—15.

Bailey.	Hall.
Bee.	King.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Parr.
Caldwell.	Sulter.
Clark.	Westbrook.
Dayton.	Woodward.
Dean.	

Nays—8.

Alderdice.	Lattimore.
Floyd.	Robbins.
Hopkins.	Smith.
Johnson of Hall.	Strickland.

Present—Not Voting.

Henderson.

Absent.

Decherd.	Johnston of Harris.
Gibson.	McCollum.
Harley.	McNealus.
Hudspeth.	

(A two-thirds majority being required to adopt.)

Senator Clark offered the following amendment:

Amend House Bill No. 105 by striking out the word "thirty" where it occurs in the bill and the caption and insert the word "two."

Senator Dean offered the following substitute for the pending amendment:

Amend the amendment by substituting the word "five" for the word "two" in the amendment.

Senator Caldwell moved the previous question on the adoption of the substitute, the amendment, and on the final passage of the bill. The motion being duly seconded, the main question was ordered.

The substitute was adopted.

The amendment as substituted was then adopted by the following vote:

Yeas—18.

Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Sulter.
Hall.	Westbrook.
Henderson.	Woodward.

Nays—7.

Alderdice.	Lattimore.
Buchanan of Bell.	Smith.
Floyd.	Strickland.
Hopkins.	

Present—Not Voting.

McCollum.

Absent.

Decherd.	Hudspeth.
Gibson.	McNealus.
Harley.	

Action recurred upon the final passage of the bill and the same was laid before the Senate, read third time and failed of passage by the following vote:

Yeas—9.

Buchanan of Bell, Lattimore.
 Floyd. Robbins.
 Henderson. Smith.
 Hopkins. Strickland.
 Johnson of Hall.

Nays—16.

Alderdice. Hall.
 Bailey. Johnston of Harris.
 Bee. King.
 Buchanan of Scurry. Page.
 Caldwell. Parr.
 Clark. Suiter.
 Dayton. Westbrook.
 Dean. Woodward.

Present—Not Voting.

McCollum.

Absent.

Decherd. Hudspeth.
 Gibson. McNealus.
 Harley.

Senator Dean moved to reconsider the vote by which House Bill No. 105 failed to pass and table the motion to reconsider.

The motion to table prevailed.

Report of Conference Committee on House Bill No. 2.

Here the Conference Committee on H. B. No. 2 made its report, which appears in full in the Journal of March 15th.

Recess.

We move that the Senate recess until 8 o'clock tonight for the purpose of working on House bill calendar.

Westbrook, Page, Clark, Caldwell, McCollum, Johnston of Harris, Smith, Buchanan of Bell, Harley, McNealus, Strickland, Floyd, Suiter, Buchanan of Scurry, Alderdice, Bee, Decherd, Parr, Gibson, Robbins, Dayton, Lattimore, Hall.

At 6:25 o'clock p. m. the motion prevailed.

After Recess.

The Senate was called to order by the Secretary, John D. McCall, and

by unanimous consent the Senate stood at ease for ten minutes.

(President Pro Tem Henderson in the chair.)

Simple Resolution No. 123.

(By unanimous consent.)

Whereas the Hon. E. T. Tyra, Mayor of Fort Worth, is in the Capitol, therefore be it

Resolved by the Senate, that he be invited to address the Senate and be accorded the privileges of the floor.

SMITH,
 LATTIMORE.

The resolution was read and adopted.

Mayor Tyra addressed the Senate briefly.

House Bill No. 675.

The Chair laid before the Senate on third reading,

H. B. No. 675, A bill to be entitled "An Act to permit the Enid, Ochil-tree & Western Railroad Company and the owners of its properties, purchased at receiver's sale and its and their assigns, trustees and representatives, to take up and remove its railroad construction heretofore made from within the city of Dalhart, in Dallam County, Texas, to the terminus of its track, approximately thirteen miles in an easterly direction in Hartley County, Texas, and to sell and dispose of same and abandon the same, and declaring an emergency."

The bill was laid before the Senate, read third time and on motion of Senator Johnson of Hall the bill was finally passed.

House Bill No. 769.

The Chair laid before the Senate on third reading:

H. B. No. 769, A bill to be entitled "An Act to amend Sections 6 and 7 of the special road law in force in Van Zandt County, as enacted by the Thirty-third Legislature, and approved March 25, 1913," etc.

The bill was laid before the Senate, read third time and on motion of Senator Suiter, the bill was passed finally.

House Concurrent Resolution No. 18.

The Chair laid before the Senate on second reading:

H. C. R. No. 18, relating to Legislative Manual for the Thirty-fifth Legislature.

The committee report carrying the committee amendment was adopted.

Senator Caldwell offered the following substitute for the pending resolution:

Be it resolved by the House of Representatives, the Senate concurring, That the Manual of the Thirty-fifth Legislature shall be printed, and shall contain the rules of the House and of the Senate, the joint rules of the House and Senate, the Constitution of the United States, Jefferson's Manual of Legislative Practice, a list of the standing committees of each house, including any changes that may have been made in either, the names of the Senators and Representatives and their respective districts and postoffice addresses, the names of the officers of each house, and their postoffice addresses, the names of the representatives of the press in attendance on same, and of all employees of each house with their postoffice addresses. Provided that said Manual shall be properly indexed and annotated, and three hundred and fifty copies of said printed Manual shall be bound in flexible Morocco leather, and one hundred and fifty copies shall be bound in paper binding, and the name of each member of the Senate and House and of each officer of the Senate and House shall be embossed on the back of one copy of such Manual bound in Morocco, which copy shall become the property of such member or officer, and one copy of such Manual bound in Morocco leather shall be delivered to and become the property of each press representative in attendance on either the House or Senate, and the remaining copies of such Manual bound in Morocco leather shall be delivered to the Secretary of State to be delivered to the new members-elect to the Senate and House of the Thirty-sixth Legislature.

Provided, further, that fifty copies of such Manual bound in paper shall be furnished to the State Library for exchange purposes, and the remaining copies of such Manual bound in paper

shall be disposed of under the direction of the Lieutenant Governor and the Speaker of the House.

The expense of preparing and printing and distributing said Manual shall be paid out of the contingent expense fund of the House and Senate, three-fourths of the expense to be paid by the House and one-fourth by the Senate.

The Committees on Rules of the House and Senate are hereby directed to prepare the data and annotations for said Manual and furnish the same to the Public Printer at the earliest possible moment, and for this purpose said committees shall be allowed to incur an expense not to exceed two hundred and fifty dollars for clerical assistance, and said Manuals shall be ready for delivery and distribution within thirty days after sine die adjournment.

CALDWELL.

Senator Hopkins offered the following:

Amend the substitute for the resolution by striking out the following:

"The Constitution of the United States, Jefferson's Manual of Legislative Practice."

HOPKINS.

On motion of Senator Clark the amendment was tabled.

Action recurred upon the pending substitute, and on motion of Senator Dayton the same was tabled by the following vote:

Yeas—16.

Alderdice.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Clark.	McCollum.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Sulter.
Gibson.	Westbrook.

Nays—8.

Bee.	Johnston of Harris.
Caldwell.	Parr.
Floyd.	Strickland.
Hall.	Woodward.

Present—Not Voting.

Henderson.

Absent.

Bailey.	King.
Harley.	McNealus.
Hudspeth.	Page.

Action then recurred upon House Concurrent Resolution No. 18 and the same was adopted.

House Bill No. 443.

The chair laid before the Senate on second reading:

H. B. No. 443, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, of the Revised Statutes of Texas, of 1911, and to amend Chapter 72 House Bill No. 827, General Laws of the Thirty-third Legislature, page 131, and to amend Chapter 99, House Bill No. 418, General Laws of the Thirty-fourth Legislature, page 152, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include El Paso County, and declaring an emergency."

The committee report carrying the committee amendment was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 443 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnson of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Bailey.	King.
Hall.	McNealus.
Hudspeth.	Page.

The bill was laid before the Sen-

ate, read third time and passed by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnson of Harris.
Caldwell.	Lattimore.
Clark.	McCollum.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Woodward.

Absent.

Bailey.	McNealus.
Harley.	Page.
Hudspeth.	Westbrook.
King.	

Senator Dean moved, to reconsider the vote by which H. B. No. 443 was passed and table the motion to reconsider.

The motion to table prevailed.

House Joint Resolution No. 27.

The Chair laid before the Senate on second reading:

H. J. R. No. 27, Proposing an amendment to the State Constitution providing for the levy of a special tax to provide free textbooks in the public schools of the State of Texas; proposing to amend Article 7 of the Constitution by adding thereto a new section to be known as Section 16.

The resolution was read second time and passed to its third reading.

House Bill No. 619.

The Chair laid before the Senate on second reading:

H. B. No. 619, A bill to be entitled "An Act to prevent the selling of bass and white perch, or crappie, taken from the fresh waters in the county of Coryell, State of Texas; making it unlawful to use any dynamite or other explosives in the killing or catching of any fish in any of the fresh waters of said county, and providing a penalty for the violation thereof; prohibiting the use of any seine, drag net, trawl-

mel net or other net other than a minnow seine, which shall not be more than ten feet in length and the meshes of which shall not be smaller than one-fourth inch; limiting the number of fish to be taken in any one day; providing that the district judge of the judicial district in which Coryell County is situated shall give a special charge upon this law to the grand juries of Coryell County; providing a penalty for the violation hereof; and declaring an emergency."

Senator Caldwell offered the following amendment which was read and adopted:

(1) Amend H. B. No. 619 by adding Section 4a as follows:

"Section 4a. This law shall be cumulative of all general laws and shall not be construed as repealing or affecting any general law relating to the subject matter of this Act."

The bill was read second time and passed to its third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 619 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Henderson.	

Absent.

Bailey.	King.
Harley.	McNealus.
Hudspeth.	Page.

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 549.

The Chair laid before the Senate on second reading,

H. B. No. 549, A bill to be entitled "An Act to prevent unnecessary

cruelty in catching or killing of wild animals and to prevent live stock and other domestic animals from injury, and to prevent the extermination of wild animals usually hunted for sport, and to forbid the setting of any trap, snare or device for taking, snaring, trapping or catching of same, and to prevent the taking, catching, killing or trapping of such animals, and to provide a punishment for so doing."

On motion of Senator Harley the bill was laid before the Senate, read second time and passed to its third reading.

House Bill No. 73.

The Chair laid before the Senate on second reading,

H. B. No. 73, A bill to be entitled "An Act declaring it the duty of the owner entitled to the beneficial use, rental or control of, or in case of a non-resident, the occupant or lessee of any building three or more stories in height, constructed, used or intended to be used, as a hospital, seminary, college, academy, schoolhouse, dormitory, hotel, lodging house, apartment house, rooming house, boarding house, theater, or any place of public amusement, lodge, hotel, or any hall used for public gatherings, or any manufacturing establishment, or industrial plant, wholesale or retail store, work shop, warehouse, office building, or any building erected by any municipal, county or State authority wherein public assemblies are permitted, or sleeping apartments are provided on any floor above the second, to erect and fix on every such building one or more adequate fire escapes; defining the number of such fire escapes; providing the number of fire escapes for six or more stories in height; providing the location of fire escapes; providing for the erection of stairways, character, kind and number of stairways which are to be constructed, and the location of the same; defining what shall be considered a story of a building within this Act; defining adequate fire escapes; conferring certain duties relative to the administration of this Act upon the fire marshal of the State Fire Insurance Commission; providing that guide signs and exit lights shall be placed in buildings within the terms of the Act and making it unlawful to obstruct in any manner

fire escapes or corridors leading thereto; declaring that the fire marshal of the State Fire Insurance Commission shall have general charge and supervision of the enforcement of the provisions of this Act; making it the duty of the inspectors of the State Fire Insurance Commission or chiefs of fire departments and fire marshals of the State to assist said fire marshal of the State Fire Insurance Commission; providing for the issuance and service of notices in cases where fire escapes should be erected on buildings; provided that the occupant or lessee of any building who is required to erect fire escapes under this Act shall be entitled to reimburse themselves for the cost and expense of erecting fire escapes, out of the rent or lease money of said premises; conferring certain authority upon the Attorney General of the State, and county and district attorneys, and making it the duty of the latter, upon the direction of the Attorney General, to bring action by injunction for the enforcement of this Act; authorizing the court to take charge of buildings where fire escapes have not been erected by writ of sequestration; creating and defining offenses in violation of this Act, prescribing the punishment therefor; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

The bill was read second time and passed to its third reading.

On motion of Senator Dayton, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 73 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	McCollum.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

Absent.

Bailey.	Hudspeth.
Harley.	King.

Lattimore.	Page.
McNealus.	

The bill was laid before the Senate, read third time and on motion of Senator Dayton passed finally.

Senator Dayton moved to reconsider the vote by which H. B. No. 73 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 373.

The Chair laid before the Senate on second reading:

H. B. No. 373, A bill to be entitled "An Act providing for the extension by the Penitentiary Commission of the railroad now owned by the State, extending from Rusk, in Cherokee County, to Palestine, in Anderson County, to the city of Dallas, in Dallas County,, and for its maintenance, equipment and operation; providing for condemning the right of way and material therefor; providing for condemnation proceedings; providing for the issuance of bonds by the Penitentiary Commission in an amount sufficient for the extension of said road; providing that said Penitentiary Commission may accept donations or gifts, either in money or lands or other necessities, for the extension of said road; providing that the rate of interest of said bonds shall be 5 per cent per annum; providing for the redemption of said bonds; providing that said bonds may be purchased at the option of the State Board of Education and State Treasurer with the permanent school fund of the State of Texas; providing that the Railroad Commission of Texas shall have jurisdiction over the traffic carried on and over said road, and authorizing said Commission to compel a fair division of freight and passenger charges between said railroad and all connecting lines therewith; providing that said Penitentiary Commission shall enforce and obey the orders and regulations of the Railroad Commission; providing for working State convicts in the construction of said road, and providing that this Act shall be cumulative of all other laws in force in this State, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Strickland, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 373 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	McCollum.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

Absent.

Bailey.	King.
Harley.	Lattimore.
Hudspeth.	Page.

Pair Recorded.

Senator Hopkins (present), who would vote "no;" Senator McNealus (absent), who would vote "aye."

The bill was laid before the Senate, read third time and passed finally.

Senator Strickland moved to reconsider the vote by which House Bill No. 373 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 651.

The Chair laid before the Senate on second reading:

H. B. No. 651, A bill to be entitled "An Act to amend Article 2234 of the Revised Civil Statutes of Texas, relating to the Dallas Criminal District Court, changing said article so that it shall be discretionary with the judge of the Dallas Criminal District Court to impanel a grand jury for said court, instead of it being mandatory; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Alderdice, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 651 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	McCollum.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

Absent.

Bailey.	Lattimore.
Harley.	McNealus.
Hudspeth.	Page.
King.	

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 599.

The Chair laid before the Senate on second reading:

H. B. No. 599, A bill to be entitled "An Act to amend Chapter 76, General Laws, 1901, to create a more efficient road system for Erath County, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to read on three several days was suspended and H. B. No. 599 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Gibson.
Bee.	Hall.
Buchanan of Bell.	Henderson.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnson of Hall.
Clark.	Johnston of Harris.
Dayton.	King.
Dean.	McCollum.
Decherd.	Parr.
Floyd.	Robbins.

Smith.	Westbrook.
Strickland.	Woodward.
Suiter.	

Absent.

Bailey.	Lattimore.
Harley.	McNealus.
Hudspeth.	Page.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Henderson.	

Absent.

Bailey.	Lattimore.
Harley.	McNealus.
Hudspeth.	Page.

House Bill No. 638.

The Chair laid before the Senate, on its second reading:

H. B. No. 638, A bill to be entitled "An Act to reorganize the First Judicial District, to be composed of the counties of San Augustine, Sabine, Newton, Jasper and Orange; fixing the time for holding court therein, and after July 1, 1917, continuing the times of holding court therein as now provided by law until July 1, 1917; to validate process, bonds, recognizances heretofore issued or taken in the courts of said district, and to preserve and validate all judgments rendered or to be rendered in the courts in said district prior to July 1, 1917, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator King, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 638 put on

its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Henderson.	

Absent.

Bailey.	Lattimore.
Harley.	McNealus.
Hudspeth.	Page.

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 715.

The Chair laid before the Senate on second reading:

H. B. No. 715, A bill to be entitled "An Act to create a more efficient road system for Lampasas County, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 672.

The Chair laid before the Senate on second reading,

H. B. No. 672, A bill to be entitled "An Act to create a more efficient road system for Callahan County, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

On motion of Senator Buchanan of Scurry the bill was laid on the table subject to call.

House Bill No. 705.

The Chair laid before the Senate on second reading,

H. B. No. 705, A bill to be entitled "An Act adding territory to the present Trent Independent School District of Taylor County; defining its boundaries, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Buchanan of Scurry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 705 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Henderson.
Bec.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	McCollum.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.

Absent.

Bailey.	McNealus.
Hudspeth.	Page.
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—24.

Alderdice.	Harley.
Bec.	Henderson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	King.
Dayton.	McCollum.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Suiter.
Hall.	Westbrook.

Absent.

Bailey.	Page.
Hudspeth.	Strickland.
Lattimore.	Woodward.
McNealus.	

(Senator Gibson in the chair.)

House Bill No. 716.

The Chair laid before the Senate on second reading,

H. B. No. 716, A bill to be entitled "An Act to amend the present Runnels County Special Road Law in raising the salaries of the commissioners of said county so that they may receive \$540 for their services in any one year, and raising the salaries for services upon the roads of said county, and prescribing the maximum that each county commissioner may receive while acting as road commissioner of said county, and declaring an emergency."

On motion of Senator Suiter the bill was laid on the table subject to call.

House Bill No. 706.

The Chair laid before the Senate on second reading,

H. B. No. 706, A bill to be entitled "An Act to create a more efficient road system for Henderson County, Texas, etc., and declaring an emergency."

On motion of Senator Suiter the bill was laid on the table subject to call.

Bills Signed.

The Chair (President Pro Tem. Henderson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 471, A bill to be entitled "An Act to create the Lella Lake Independent School District of Donley County, Texas, and declaring an emergency."

S. B. No. 381, A bill to be entitled "An Act to amend Article 735, Chapter 4, Title 12, of the Revised Criminal Statutes of 1911 of the State of Texas, relating to standards of feed-stuffs, and declaring an emergency."

S. B. No. 166, A bill to be entitled "An Act to authorize the city council, board of commissioners or city manager of any city in the State to levy and collect a tax not to exceed five cents on each \$100 of assessed valuation of the city for one year for the manner of acquiring lands for park purposes, and providing

for the purchase and improvement of lands for city parks, and providing for the management and control of said city parks, and declaring an emergency."

S. B. No. 357, A bill to be entitled "An Act to amend Chapter 173 of the Regular Session of the Thirty-third Legislature, approved April 9, 1913, relating to the prospect for and the development of the minerals and other substances in the public land, public islands and public waters and river beds and channels owned by the State, and in the unsold land belonging to the public free school fund, the university fund, and the several asylum funds and in such of said land as has heretofore been sold or may be hereafter sold with the reservation of the minerals and other substances therein to the fund in which the land belongs; providing the royalty and other sums and compensation to be paid to the State and owners of the surface, and appropriating the proceeds to certain funds; providing for ingress and egress; providing one may pay cash for mineral claims, and obtain patents, and change former claims to rights under this Act; providing for adoption of rules and regulations by the Commissioner of the General Land Office; repealing the remaining portions of this said Chapter 173 which may not be amended and all other statutes in conflict with this Act, and declaring an emergency."

S. B. No. 231, A bill to be entitled "An Act authorizing the State Normal School board of regents to purchase the properties of the East Texas Normal College, located at Commerce, in Hunt County, Texas, in so far as the appropriation made provides for the purpose and to receive the balance of the value thereof as a donation in the event the board should find the facts stated in the preamble to this bill substantially true, and providing that if the board should not find the properties equal to the value stated in the preamble they may decline to purchase the property until further directed by the Legislature; and appropriating the sum of \$80,000 for the purchase of said property."

House Bill No. 700.

The Chair laid before the Senate on second reading,

H. B. No. 700, A bill to be entitled "An Act creating the Docum and Miller Common County Line School District, containing territory in Erath and Comanche Counties, Texas, including the territory of the school districts known as Miller and Docum Common School Districts of Comanche and Erath Counties, respectively; placing said common county line school districts under the jurisdiction of Comanche County, to be known as Common School District No. 110 of said county; a board of trustees therefor; vesting said district and board of trustees with all the rights, powers, privileges and duties conferred and imposed on common school districts and boards of trustees thereof, etc., and declaring an emergency."

On motion of Senator Suiter the bill was laid on the table subject to call.

House Bill No. 115.

The Chair laid before the Senate on second reading,

H. B. No. 115, A bill to be entitled "An Act to amend Section 5 of an Act entitled 'An Act to create a State Bonded Warehouse System, and to afford a method of co-operative marketing for those engaged in the production of farm and ranch products and for the purpose of effectuating this end and creating a Board of Supervisors of Warehouses; defining the authority of said board and giving it power of visitation over the corporations chartered under the Act,' etc., and declaring an emergency."

On motion of Senator Clark the bill was laid on the table subject to call.

House Bill No. 409.

The Chair laid before the Senate on second reading,

H. B. No. 409, A bill to be entitled "An Act to amend Article 3883 of the Revised Civil Statutes of the State of Texas of 1911, relating to fees of county officers."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 735.

The Chair laid before the Senate on second reading,

H. B. No. 735, A bill to be entitled "An Act amending Section 1, Chapter 67, Special Laws of Texas, Acts of the Thirty-first Legislature, Regular Session, entitled 'An Act creating the Hamlin Independent School District in Jones County, Texas, etc.,' and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 157.

The Chair laid before the Senate on second reading:

H. B. No. 157, A bill to be entitled "An Act requiring the commissioners' court to publish notice of the time and place of the letting of any contract calling for or requiring the expenditure of five hundred dollars or more, of submitting same to competitive bids, and of publishing notice of the proposed letting of such contracts, and providing that contracts made in violation of this Act shall not be enforced and may be enjoined."

The committee report carrying the committee amendments and that the bill be not printed was adopted.

Senator Hopkins offered the following amendment:

Amend House Bill No. 157, by inserting in the caption before the words "and providing" the following: "requiring all contracts for twenty dollars (\$20.00), or more, to be let on competitive bids."

Pending.

On motion of Senator Clark, the bill was laid on the table subject to call.

House Bill No. 228.

Senator King called up from the table and the Chair laid before the Senate on second reading:

H. B. No. 228, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study, by correspondence, that supply the needs of Texas people; to provide for the appointment of an executive board for same, and prescribe their

duties; to provide for the appointment of members of the faculty, prescribe their duties and provide for the salaries of the members of said faculty."

Senator Floyd offered the following amendments, which were read and adopted:

(1) Amend the bill, Section 5, line 17, page 2 of the printed bill, by striking out the words "Bible study."

(2) Amend the bill, Section 8, page 3, by striking out all after "schools" in line 7, down to "other" in line 8.

(3) Amend the bill by striking out Sections 15, 16 and 17 of the printed bill.

(4) Amend the bill, page 4, Section 18, line 29, by striking out the following: "for ninety-nine years."

The bill was read second time and passed to its third reading.

House Bill No. 151.

The Chair laid before the Senate on second reading,

H. B. No. 151, A bill to be entitled "An Act to make fraudulent advertising a penal offense, and prescribing a penalty, and making each day the same is committed a separate offense."

On motion of Senator Bee the bill was laid on the table subject to call.

House Bill No. 831.

The Chair laid before the Senate, on second reading,

H. B. No. 831, A bill to be entitled "An Act setting aside the building now occupied and used as a General Land Office and located in Austin, Travis County, Texas, in order that the Daughters of the Republic and the Texas Division of the Daughters of the Confederacy might accumulate the mementos and relics, and preserve and perpetuate the history and traditions of the Southland of our Commonwealth; providing how said building shall be used by the respective parties; making an appropriation for the repairing and remodeling of said building, and declaring an emergency."

The Senate rule requiring commit-

tee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted:

The bill was read second time and passed to its third reading.

On motion of Senator Bee the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 831 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McCollum.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.
Harley.	

Absent.

Bailey.	McNealus.
Hudspeth.	Page.
King.	Woodward.

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 149.

The Chair laid before the Senate on second reading:

H. B. No. 149, A bill to be entitled "An Act to amend Title 126, Chapter 1, Article 7355, Section 9, of the Revised Civil Statutes of the State of Texas of 1911, on the question of taxation."

On motion of Senator Dean the bill was laid on the table subject to call.

House Bill No. 200.

The Chair laid before the Senate on second reading:

H. B. No. 200, A bill to be entitled "An Act to amend Article 2308, Chapter 5, Title 41, Revised Civil Statutes of Texas, 1911, relating to venue of suits in justice courts, by adding thereto at the end of Subdivision 4 thereof, 'Providing that

all suits to recover for labor performed or any kind of personal service rendered may, at the option of plaintiff, be brought and maintained where such labor is performed or personal service rendered, and declaring an emergency."

The committee report carrying the committee amendments was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Johnston of Harris, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 200 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Clark.	McCollum.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.
Harley.	

Absent.

Bailey.	Lattimore.
Caldwell.	McNealus.
Henderson.	Page.
Hudspeth.	Woodward.

The bill was laid before the Senate, read third time and passed finally.

Senator Hopkins moved to reconsider the vote by which H. B. No. 200 was passed and table the motion to reconsider.

The motion to table prevailed.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 451—A special road law for Johnson County, Texas.

H. B. No. 823, A bill to be entitled "An Act adding to and making a part of the Rosenberg Independent School District of Fort Bend County,

Texas, etc., and declaring an emergency," with engrossed rider.

S. B. No. 440, A bill to be entitled "An Act creating the San Diego Independent County Line School District in Duval County, and declaring an emergency."

H. B. No. 829, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the special road laws of Cass County, Texas enacted by the Regular Session of the Thirty-third Legislature 1913, which became effective March 5, 1913, same being 'An Act to create a more efficient road law for Cass County, making the county commissioners ex officio road supervisors, defining their duties and fixing their salaries; providing for the appointment of a civil engineer and naming the salary of said civil engineer.'"

H. B. No. 834, A bill to be entitled "An Act creating the Bertram Independent School District in Burnet County, Texas, including the present Bertram Independent School District, etc., and declaring an emergency."

H. B. No. 836, A bill to be entitled "An Act to amend Section 10, Chapter 76, Local and Special Laws passed by the Regular Session of the Thirty-second Legislature, being an act to amend Section 10 of Chapter 79, General Laws passed by the Twenty-seventh Legislature, which said chapter was also amended by Acts of the Thirty-first Legislature of the State of Texas, creating a more efficient road system for Brown County, Texas, and declaring an emergency."

H. B. No. 840, A bill to be entitled "An Act increasing the limits of the Talpa Independent School District, etc., and declaring an emergency."

H. B. No. 808, A bill to be entitled "An Act to create a more efficient road system for Jasper County, Texas, etc., and declaring an emergency," with engrossed rider.

H. B. No. 820, A bill to be entitled "An Act creating a new road law for Bowie County," with engrossed rider.

H. B. No. 754, A bill to be entitled "An Act to amend Article 2814 of the Revised Civil Statutes of the State of Texas, 1911, so as to confer upon the

State Superintendent of Public Instruction the authority, upon satisfactory evidence being presented, to reinstate a teacher's certificate theretofore canceled by him and giving right of appeal to State Board of Education."

Respectfully,

ED GRAHAM,

Acting Chief Clerk, House of Representatives.

House Bill No. 339.

The Chair laid before the Senate on second reading,

H. B. No. 339, A bill to be entitled "An Act to define a delinquent negro child, and to regulate the treatment and control of same; providing for commitment of the delinquent and incorrigible negro juveniles in the State institution to be hereafter known as the State Training School for Negro Boys, located at Rusk, Cherokee County, Texas; and to provide for the appointment by the Governor of six trustees, and defining the duties of said trustees, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 339 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Clark.	McCollum.
Dayton.	Parr.
Dean.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.

Absent.

Bailey.	Lattimore.
Caldwell.	McNealus.
Decherd.	Page.
Henderson.	Woodward.
Hudspeth.	

The bill was laid before the Sen-

ate, read third time and passed by the following vote:

Yeas—22.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Clark.	McCollum.
Dayton.	Parr.
Dean.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.

Absent.

Bailey.	King.
Caldwell.	McNealus.
Decherd.	Page.
Harley.	Woodward.
Hopkins.	

Senator Buchanan of Bell moved to reconsider the vote by which H. B. No. 339 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 767.

The Chair laid before the Senate on second reading,

H. B. No. 767, A bill to be entitled "An Act to amend the caption of Chapter 41 of the Local and Special Laws of Texas, passed by the Regular Session of the Thirty-third Legislature, the same being a McLennan County road law and being Senate Bill No. 360, etc."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Clark, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 767 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Hall.
Bee.	Harley.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Clark.	Johnston of Harris.
Dayton.	King.
Dean.	McCollum.
Floyd.	Parr.
Gibson.	Robbins.

Smith.
Strickland.

Suiter.
Westbrook.

Absent.

Bailey.	Lattimore.
Caldwell.	McNealus.
Decherd.	Page.
Henderson.	Woodward.
Hudspeth.	

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 351.

(By unanimous consent.)

The Chair laid before the Senate on second reading,

H. B. No. 351, A bill to be entitled "An Act providing that the history of the State of Texas shall be used in the history course of all public schools in Texas; giving the State Superintendent of Public Instruction certain powers in regard thereto, and providing a penalty for violation of this Act."

The committee report that the bill be not printed was adopted.

The bill was read second time and on motion of Senator Robbins was passed to its third reading.

Adjournment.

At 10:45 o'clock p. m. Senator Clark moved that the Senate adjourn until 10 o'clock tomorrow.

The motion prevailed by the following vote:

Yeas—11.

Buchanan of Bell.	Harley.
Clark.	Johnston of Harris.
Dayton.	Smith.
Dean.	Strickland.
Floyd.	Suiter.
Gibson.	

Nays—10.

Alderdice.	Johnson of Hall.
Bee.	King.
Buchanan of Scurry.	McCollum.
Hall.	Parr.
Hopkins.	Westbrook.

Absent.

Bailey.	Lattimore.
Caldwell.	McNealus.
Decherd.	Page.
Henderson.	Robbins.
Hudspeth.	Woodward.

APPENDIX A.

Petitions and Memorials.

By Senator Dayton, favoring the passage of a House bill providing for inspection of schools, reformatories, asylums and orphanages, etc.

Senator King offered a telegram protesting against the passage of Senate Bill No. 339.

By Senator Johnson protesting against the passage of a House bill to authorize the Enid, Ochiltree and Western Railway Company to abandon a certain portion of its roadbed.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Joint Resolution No 1 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 42 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Reports.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 755, A bill to be entitled "An Act creating a special road law for Eastland County, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Floyd, Smith, Clark, Strickland.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 811, A bill to be entitled "An Act to create a more efficient road system for Trinity County, Texas, and auxiliary thereto, to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners court of said county with regard thereto; to utilize the labor of defaulting poll tax payers on the public roads of said county; to create the authority of county road superintendent and to define its duties; and to provide adequate penalties for violation of the provisions of this Act, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Floyd, Smith, Clark, Strickland.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 485, A bill to be entitled "An Act creating Lodge Independent School District in Hall County, Texas, defining its boundaries and authority, abolishing common school districts, No. 11, 15 and 25 in Hall County and declaring that all the property owned by said districts is vested out of them and into proper authority as the property of the said Lodge Independent School District; providing that the rights of the bond holders of the said districts shall not be interfered with and that taxes shall continue to be levied for the liquidation of such bond, making the lawful contracts and obligations and debts of said common school districts binding up-

on the Lodge Independent School District, giving the Lodge Independent School District the rights, privileges and duties of an independent school district under the general laws of this state, vesting the control and management of the district in a board of seven trustees to be chosen and serve as prescribed by the general laws constituting the district, a body politic and corporate, and defining its rights and privileges and duties; authorizing the levy and assessment of taxes, the issuance of bonds, payment of interest, creation of a sinking fund, and stating how such taxes shall be levied and assessed, and who shall assess and collect same; providing for a board of equalization and conferring certain authority upon the board of trustees with reference to selecting the officers who shall assess and collect the taxes and fixing and defining the authority of the Board of Trustees with reference to selecting such assessor and collector and generally with reference to the assessment and collection of taxes; declaring that taxes heretofore voted within the territory embraced in the common school district abolished by this act shall continue to be lawful and effective until new taxes have been authorized by the Lodge Independent School District and setting forth how taxes shall be collected and be used; providing that the assessor and collector of taxes shall give bond and fixing the amount and condition thereof; authorizing the board of trustees to assess, equalize and collect, and fixing and defining their authority with reference to appointing an assessor and collector of taxes; fixing the authority of the board of trustees and anyone appointed by them as the board of equalization, fixing and authorizing compensation for the board of trustees and the assessor and collector of taxes and defining the service for which they may be paid; giving the board of trustees power to issue bonds for certain purposes and to sell and invest the proceeds thereof, and to dispose of school properties declaring it should be the duties of the board of trustees to maintain schools at certain places mentioned in the district and to make one of

the said schools the district high school; authorizing the school district to issue refunding bonds for the purpose of taking up any bonds previously issued by either of said number school districts; providing elections for such purposes and fixing the form of ballot, making it the duty of the county judge to order election for the first board of trustees hereunder to be held under the general laws of the State, and declaring an emergency."

Hace had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass and be not printed.

Bee, Chairman; Johnson, Dean, Lattimore, Harley, Bailey.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 825, A bill to be entitled "An Act creating the Alief Independent School District in Harris County, Texas, defining its metes and bounds, vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law, providing for a board of trustees therefor, providing that the outstanding bonded indebtedness and the local maintenance tax previously voted by the Alief Common School District shall not be interfered with by the passage of this Act, providing that the board of trustees of the Alief Independent School District as created by this Act shall have authority to elect an assessor and collector of taxes for such district and appoint a board of equalization for the district, which board of equalization shall be independent of the county board of equalization of Harris County in fixing property values of the said Alief Independent District, and declaring an emergency,"

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass, and be not printed.

Bee, Chairman; Lattimore, Dayton, Buchanan of Scurry, Decherd,

Floyd, Smith, Dean, Johnson, Robbins, Alderdice.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 773, A bill to be entitled "An Act to repeal Articles 1518, 1585 and 1658 of the Revised Civil Statutes of Texas, 1911, and to regulate the terms of the Supreme Court, the Court of Criminal Appeals and the Courts of Civil Appeals in this State, and to provide for the transaction of business of said courts, to repeal all laws in conflict herewith, and to declare an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Lattimore, Vice Chairman; Bee, Henderson, Suiter, Dean, Hall, Alderdice, Hopkins.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 246, A bill to be entitled "An Act to amend Section 5 of House Bill No. 25, passed by the Thirty-third Legislature at the regular session, 1913, and approved April 7, 1913, relating to prorating the appropriation for Confederate pensions among the pensioners,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal only.

Caldwell, Vice Chairman; Parr, Page, Bee, Decherd, Johnson, Dean, Johnston of Harris, Westbrook, Clark, Hopkins.

By Nichols.

H. B. No. 246.

A BILL
To Be Entitled

An Act to amend Section 5 of House Bill No. 25, passed by the Thirty-

third Legislature at the regular session, 1913, and approved April 7, 1913, relating to prorating the appropriations for Confederate pensions among the pensioners, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Section 5 of House Bill No. 25, passed by the Thirty-third Legislature at the regular session, 1913, and approved April 7, 1913, be so amended as to hereafter read as follows:

Section 5. On the first day of September and on the first day of March, each year, the Commissioner of Pensions shall prorate said appropriation equally among the pensioners who are in indigent circumstances and whose claims to pensions have been established and filed with the Commissioner of Pensions, as provided by law; and the Comptroller shall issue his warrants for the amount due said pensioners in the manner provided by law, and all pensioners to be paid at the end of each quarter, and all such pensions shall begin on the first day of September and March after the filing and establishment of such application, provided, however, that the Commissioner of Pensions is authorized to fill, after the apportionment is made, any vacancies created by death or other cause, at any time between the first day of March and the first day of September in each year.

Sec. 2. On account of the present statute law on this subject being in conflict with the Constitution of the State, and on account of a great many inequalities arising under the present statutes, creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended and that this Act be in force and take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 22, "Providing for the sale and disposal of certain property at the Rusk penitentiary, belonging to the State and known as the State's Iron Industry,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

McCALLUM, Chairman.

House Concurrent Resolution No. 22.

Whereas, The property at the Rusk Penitentiary known as the State's Iron Industry is deteriorating and wasting; and

Whereas, A large part of said property has heretofore been destroyed by fire, and much of the remaining machinery, apparatus and equipment has been sold or put to use in other portions of the penitentiary system; and

Whereas, The condition of such property is such that it could not be placed in operation by the State without rebuilding same at great cost; and

Whereas, It is not deemed practicable or expedient for the State to undertake to rehabilitate and place in operation said industry, and the same has been neglected and abandoned for many years as a State industry; and

Whereas, The successful operation of said industry would be of great benefit to the State Railroad; to the development of one of the State's most valuable natural resources, and to the general welfare and prosperity of the people of this State; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, that the Board of Penitentiary Commissioners, with the approval and consent of the Governor and Attorney General, be and they are hereby advised and requested to sell and dispose of said property, in the manner provided by law, for such price and on such terms as will justify the purchase, rehabilitation and operation of same, to any person, firm or corporation of Texas, who will agree and give a good and sufficient bond in the sum of one hundred thousand dollars to take, pay for, rehabilitate and put in operation the blast furnace, the cast iron pipe plant, and the foundry at the said Rusk Penitentiary, within a reasonable time from the date of the sale thereof, and to operate said industries for at least one full year.

Such sale to include such iron ore land and iron ore rights and land needed for the plant, its improvement

and expansion as may be deemed advisable.

Also the use of the water, reservoirs, pipe lines, ore bed railroads, rights of way, industrial sidings and switching, easements, rights and privileges belonging to or to which the State is entitled for the uses and purposes of said iron industry, and all other property of every kind belonging to or used in connection with said iron industry.

Providing that nothing herein shall be construed as a request to sell or dispose of the Rusk Penitentiary, its buildings, grounds and present prison industries, nor of such lands as may be needed or wanted for other purposes.

Terrell, Spencer of Nolan, Reeves, Hudspeth, Cadenhead, Moore, Neill, Thompson of Red River, White, Tillotson, Bedell, Carlock, Bertram, Holland, Beason, Williford, Pope, Clark, Canales, Yantis.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 837, A bill to be entitled "An Act making appropriation of the sum of twenty thousand dollars or as much thereof as may be necessary, to pay contingent expenses of the Thirty-fifth Legislature of the State of Texas; providing how accounts may be approved, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal only.

Caldwell, Vice Chairman; Parr, Page, Dean, Johnston of Harris, Westbrook, Johnson, King, Hopkins, Clark.

By Parks.

H. B. No. 837.

A BILL To Be Entitled

An Act making appropriation of the sum of twenty thousand (\$20,000.00) dollars or so much thereof as may be necessary, to pay contingent expenses of the Thirty-fifth Legisla-

ture of the State of Texas, providing how accounts may be approved, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That the sum of twenty thousand (\$20,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated as a second or additional appropriation to pay contingent expenses of the Thirty-fifth Legislature of the State of Texas.

Sec. 2. The approval of the chairman of the Committee on Contingent Expenses of the Senate, approved by the President of the Senate, or by the chairman of the Committee on Contingent Expenses of the House of Representatives, approved by the Speaker of the House, as the case may be, shall be sufficient authority for the Comptroller to issue warrants upon the State Treasurer for the payment of accounts drawn upon said fund.

Sec. 3. The near approach of the end of this session of the Legislature, and the contingent expenses, contingent upon the investigation of the charges made against the Governor, creates an emergency and an imperative public necessity requiring that the constitutional provision requiring bills to be read on three several days be suspended and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

APPENDIX B.

By Terrell, et al. H. B. No. 419.

A BILL To Be Entitled

An Act to establish standard "containers" and standard "grades" and "packs" for fruits and vegetables grown in this State for the markets; to prescribe dimensions and cubical contents of such containers; to require the manufacturers of such containers to conform to the standards herein prescribed; to define the different "grades and packs" as applied to different kinds of fruits and vegetables; to authorize the Commissioner of Agriculture of this State to promulgate and publish said standards for the information of the public, and promulgate stand-

ards of containers, grades and packs in conformity with those hereafter established by the Secretary of Agriculture of the United States, and to promulgate such other standards of containers, grades and packs as in his judgment are expedient and to the best interests of the fruit and truck growers of the State; providing for supervision of the grading and packing of fruits and vegetables through State inspectors to be appointed by the Commissioner of Agriculture; empowering the Commissioner of Agriculture to enforce the provisions of this Act; prescribing penalties for its violation, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That the following standards of "containers" for the shipment of fruits and vegetables in this State are hereby established and adopted as State standards:

(a) Standard Bushel Basket.—The standard bushel basket shall contain not less than 2150.4 cubic inches in the basket proper, regardless of the manner in which the lid is made.

(b) Standard Four-basket Crate.—The baskets in said crates shall hold not less than three quarts dry measure, and the dimensions of such baskets shall be 5x8 inches at the bottom, 6x10 inches at the top, and 4 inches deep, and shall contain not less than 201.6 cubic inches. The heads of the crates holding said baskets shall be 4½ inches wide, by 11½ inches at the bottom, and 13½ inches at the top in length and 7/16 of an inch thick. The veneer or boards for the bottoms, sides and tops shall be not less than 4½, 4, and 5½ inches wide respectively, and not less than 1-7 of an inch thick and 22 inches long. Both crates and baskets shall be made of good, substantial material, sufficiently strong to withstand the ordinary strain incident to transportation and handling.

(c) Standard Six-basket Crate.—Each basket of a six-basket crate shall contain not less than 268.8 cubic inches.

(d) Standard Folding Onion Crate.—The standard folding onion crate shall not be less than 19½ inches long, 11 3-16 wide, and 9 13-16 inches deep, inside measurement, containing not less than 2150.4 cubic inches.

(e) Standard Orange Box.—The dimensions of the standard orange box shall be 12x12x12 inches for each one-half of box, inside measurement, and the dimensions of a one-half (or strap box) shall be 12x12x6 inches for each one-half of box, inside measurement.

(f) Standard Berry Box or Crate.—The standard quart berry box or crate shall contain not less than 24 quart baskets, containing 67.2 cubic inches each, dry measure; and the standard pint berry box or crate shall hold not less than 24 pint baskets, containing not less than 33.6 cubic inches each, dry measure.

Sec. 2. The following "grades and packs" are hereby established as State standards for the State of Texas:

(a) Standard Peach Grades and Packs.—Standard peach grades are three in number, namely: Fancy, Choice or No. 1, and No. 2.

Fancy peaches shall be medium to large size, good color for the variety named, firm and sound, of proper maturity for shipment to distant markets, carefully picked and closely packed in bushel baskets or crates of four or six-basket capacity.

Choice, or No. 1 peaches shall be of average size and color for the variety named, sound, firm, practically free from blemishes and defects, of proper maturity for shipment to distant markets, carefully picked and closely packed in bushel baskets or crates of four or six baskets capacity.

No. 2 peaches shall be all such sound fruit as is not good enough for No. 1's, such as small, slightly uneven surface, greens, ripens, or slight defects of whatsoever kind, but suitable for market purposes and for reasonably distant shipments. Each and every package of fruits and vegetables offered for sale or shipment shall have plainly stamped on it the grade of such fruits or vegetables and the name and postoffice address of the person shipping the same, provided that this shall apply only to shipments of such fruits and vegetables as have grades established by law.

Culls.—Any and all peaches that are too small in size, ill shaped and poor in general quality to measure up to any of the above grades shall be known as culls, unfit for market purposes, and shall not be shipped unless branded "Culls" and shipped in a separate consignment.

Texas Standard Peach Packs.—The standard peach packs for six-basket crate shall be eight in number, namely, 72's, 96's, 138's, 162's, 180's, 216's, 270's, and 324's.

To pack 72's.—(Begin at end of basket.)—Place 1 and 2 alternately in 4 rows, two layers high, 6 to the layer on end, blossom end up.

To pack 96's.—Place 2 and 2 alternately in 4 rows, 2 layers high, 8 to the layer on end, blossom end up.

To pack 138's.—Place 2 and 1 alternately in 5 rows, 3 layers high, 8 and 7 alternately to the layer, flat.

To pack 162's.—Place 2 and 1 alternately in 6 rows, 3 layers high, 9 to the layer, flat.

To pack 180's.—Place 2 and 2 alternately in 5 rows, 3 layers high, 10 to the layer, flat.

To pack 216's.—Place 2 and 2 alternately in 6 rows, 3 layers high, 12 to the layer, flat.

To pack 270's.—Place 3 and 3 alternately in 5 rows, 3 layers high, 15 to the layer, flat.

To pack 324's.—Place 3 and 3 alternately in 6 rows, 3 layers high, 18 to the layer, flat.

All packages must be filled tight, in all layers from bottom to top, and extend approximately 1 inch above the top rim or edge of the package, whether it be a bushel basket, crate basket; or box.

(b) Texas Standard Tomato Grades and Packs.—Texas standard tomato grades may be two in number, namely: Fancy and Choice.

Texas standard tomato packs shall be seven (7) in number for the six-basket crate, and nine (9) in number for the four-basket crate, and the manner in which tomatoes are packed will partly determine their grade.

Texas Standard Six-basket Crate.—Fancy. To pack 72's.—Place 2 and 2 alternately in 3 rows, 2 layers high, 6 to layer, flat, blossom end up, 12 to the basket.

To pack 84's.—Place 2 and 2 alternately in 4 rows on edge, 8 to the layer for first layer, and 2 and 2 alternately in 3 rows, flat, blossom end up, 6 to the layer for first layer, and 3 and 3 alternately in 3 rows, on edge, blossom end out; 9 to the layer for the second or last layer; 15 to the basket.

To pack 108's.—Place 3 and 3 alternately in 3 rows, on edge, 9 to the layer for the first layer, and 3 and 3

alternately in 3 rows on edge, blossom end out, 9 to the layer for the second or last layer, 18 to the basket.

Choice.—To pack 120's.—Place 2 and 2 alternately in 4 rows, on edge, 8 to the layer for the first layer, and 3 and 3 alternately in 4 rows on edge, blossom end out, 12 to the layer for the second or last layer, 20 to the basket.

To pack 144's.—Place 3 and 3 alternately in 4 rows, on edge, 12 to the layer for the first layer and 3 and 3 in 4 rows on edge, blossom end out, 12 to the layer for the second or last layer, 24 to the basket.

To pack 180's.—Place 3 and 3 alternately in 5 rows, on edge, 15 to the layer for the first layer and 3 and 3 alternately in 5 rows, on edge, blossom end out, 15 to the layer for the second or last layer, 30 to the basket.

Texas Standard Four-basket Crate.—Fancy. To pack 48's.—Place 2 and 2 alternately in 3 rows, flat, blossom end up, 6 to the layer for the first layer and 2 and 2 alternately in 3 rows, flat, blossom end up, 6 to the layer for the second or last layer, 12 to the basket.

To pack 56's.—Place 2 and 2 alternately in 4 rows, on edge, 8 to the layer for the first layer and 2 and 2 alternately in 3 rows, flat, blossom end up, 6 to the layer for the second or last layer, 14 to the basket.

To pack 60's.—Place 2 and 2 alternately in 3 rows, flat, blossom end up, 6 to the layer for the first layer, and 3 and 3 alternately in 3 rows, on edge, blossom end out, 9 to the layer for the second or last layer, 15 to the basket.

To pack 64's.—Place 2 and 2 alternately in 3 rows, flat, blossom end up, 6 to the layer for the first layer, and 1 and 2 alternately in 7 rows, on edge, blossom end out, 10 to the layer, 16 to the basket.

To pack 72's.—Place 3 and 3 alternately in 3 rows, on edge, 9 to the layer, for the first layer, and 3 and 3 alternately in 3 rows, on edge, blossom end out, 9 to the layer for the second or last layer, 18 to the basket.

Choice.—To pack 84's.—Place 3 and 3 alternately in 3 rows, on edge, 9 to the layer, for the first layer, and 3 and 3 alternately in 4 rows, on edge, blossom end out, 12 to the layer for the second or last layer, 21 to the basket.

To pack 88's.—Place 3 and 3 alternately in 3 rows, on edge, 9 to the layer for the first layer and 1 and 2 alternately in 9 rows, on edge, blossom end out, 18 to the layer, 22 to the basket.

To pack 96's.—Place 3 and 3 alternately in 4 rows, on edge, 12 to the layer for the first layer, and 3 and 3 alternately in 4 rows, on edge, blossom end out, 12 to the layer for the second or last layer, 24 to the basket.

To pack 104's.—Place 1 and 2 alternately in 9 rows, on edge, 13 to the layer for the first layer, and 1 and 2 alternately in 9 rows, on edge, 13 to the layer, blossom end out, for the second or last layer, 26 to the basket.

All fruits for both fancy and choice grades must be sound and free from undesirable scars, cat faces, and damage from insects or other causes.

(c) Texas Standard Orange Grades.—Texas orange, satsuma, tangerine, and grapefruit grades may be four in number, namely, Fancy Bright, Bright, Fancy Russet, and Russet.

Fancy Brights shall be bright color, shapely form, practically free from any skin defects or blemishes, fine texture, reasonably thin, heavy, juicy and free from frost damage.

Brights shall show fairly bright color, texture not as fine or smooth as fancy brights, skin thicker, and may have other reasonable skin defects that do not affect the merchantable quality of the fruit.

Fancy Russets shall be of same general quality as fancy brights, except in color, which shall be "golden" russet.

Russets shall be same general quality as brights, except in color, which may be rusty brown, not "golden" enough for fancy russets.

Texas Standard Orange Packs.—The standard orange packs shall be 8 in number, namely, 96's, 126's, 150's, 176's, 200's, 216's, 252's, and 288's.

To pack 96's.—Put 3 and 3 alternately in 4 rows, 4 layers high, 12 to layer.

To pack 126's.—Put 3 and 2 alternately in 5 rows, 5 layers high, 13 and 12 alternately to layer.

To pack 150's.—Put 3 and 3 alternately in 5 rows, 5 layers high, 15 to the layer.

To pack 176's.—Put 4 and 3 alternately in 5 rows, 5 layers high, 18 and 17 alternately to the layer.

To pack 200's.—Put 4 and 4 alternately in 5 rows, 5 layers high, 20 to the layer.

To pack 216's.—Put 3 and 3 alternately in 6 rows, 6 layers high, 18 to the layer.

To pack 252's.—Put 4 and 3 alternately in 6 rows, 6 layers high, 21 to the layer.

To pack 288's.—Put 4 and 4 alternately in 6 rows, 6 layers high, 24 to the layer.

The standard satsuma and tangerine packs shall be 7 in number, namely, 90's, 106's, 120's, 168's, 196's, 216's, and 224's.

To pack 90's.—Put 3 and 3 alternately in 5 rows, 3 layers high, 15 to the layer.

To pack 106's.—Put 4 and 3 alternately in 5 rows, 3 layers high, 18 and 17 alternately to the layer.

To pack 120's.—Put 4 and 4 alternately in 5 rows, 3 layers high, 20 to the layer.

To pack 168's.—Put 4 and 3 alternately in 6 rows, 4 layers high, 21 to the layer.

To pack 196's.—Put 4 and 3 alternately in 7 rows, 4 layers high, 25 and 24 alternately to the layer.

To pack 216's.—Put 5 and 4 alternately in 6 rows, 4 layers high, 27 to the layer.

To pack 224's.—Put 4 and 4 alternately in 7 rows, 4 layers high, 28 to the layer.

All oranges, satsumas and tangerines to conform to this standard must be packed "stem in, twist," with blossom end down in first layer and stem end down in all other layers.

The standard grapefruit pack shall be 7 in number, namely, 28's, 36's, 46's, 54's, 64's, 80's, 96's.

To pack 28's.—Put 2 and 1 alternately in 3 rows, 3 layers high, 5 and 4 alternately to the layer.

To pack 36's.—Put 2 and 2 alternately in 3 rows, 3 layers high, 6 to the layer.

To pack 46's.—Put 3 and 2 alternately in 3 rows, 3 layers high, 8 and 7 alternately to the layer.

To pack 54's.—Put 3 and 3 alternately in 3 rows, 3 layers high, 9 to the layer.

To pack 64's.—Put 2 and 2 alternately in 4 rows, 4 layers high, 8 to the layer.

To pack 80's.—Put 2 and 2 alter-

nately in 4 rows, 5 layers high, 8 to the layer.

To pack 96's.—Put 3 and 3 alternately in 4 rows, 4 layers high, 12 to the layer.

All grapefruit to conform to this standard must be packed on edge, except the 80 pack, which should be packed flat in same manner as oranges.

Provided that in the enforcement of the above standards of grade and pack an allowance may be made of not exceeding ten per cent difference in size between the fruit on top and in the interior of the package.

Sec. 3. That from and after the taking effect of this Act it shall be unlawful for any manufacturer of crates, boxes or baskets for the shipment of fruits and vegetables in this State to manufacture or sell any similar crate, box or basket of different size or dimensions from the standards prescribed in this Act; provided that all manufacturers of crates, boxes, and baskets in this State shall be allowed to sell all crates, boxes or baskets of a different size which they may have on hand or in stock when this law takes effect, and the penalty hereinafter provided for the violation of this Act shall not apply to manufacturers for selling crates, boxes or baskets in stock when this Act takes effect, until January 1, 1918.

Sec. 4. The Commissioner of Agriculture is hereby authorized and empowered to enforce all the provisions of this Act, and he shall promulgate and publish all necessary rules and regulations for the enforcement of this law, and such other information as will aid fruit and truck growers and the manufacturers of containers in complying with the provisions of this Act.

Sec. 5. It shall be the duty of the Commissioner of Agriculture to appoint inspectors to inspect fruits and vegetables at the different shipping or loading stations in this State when called upon by the growers, shippers, or shippers' agents representing the growers, and the expenses of such inspectors shall be paid by said growers, shippers, or shippers' agents where two or more shippers' agents are operating at the same shipping point and one of them requests a State inspector and such inspector is appoint-

ed by the Commissioner of Agriculture, each shipping agency at said shipping point shall be required to come under the State inspection and each shall pay his pro rata share of the expense of inspection.

The Commissioner of Agriculture shall furnish a blank form of certificate to all State inspectors, to be filled out by them to accompany each car load of fruits and vegetables where State inspection is enforced. Said certificate shall contain the name and number of the car, the kind and grade of the fruits or vegetables, and number of packages contained, the date of shipment and name of the inspector, together with the words, "graded and packed under State inspection."

Sec. 6. The Commissioner of Agriculture is hereby authorized and empowered to promulgate and publish other standards of "containers, packs and grades," to conform to such standards as may hereafter be promulgated and established by the Secretary of Agriculture in pursuance of Act of Congress conferring such authority upon the Secretary of Agriculture. The Commissioner of Agriculture may also promulgate and publish other standards of "containers, packs and grades," when in his judgment there is a general public demand for the promulgation of such "containers, packs and grades," and the best interest of the fruit and truck growers of the State will be served by the establishment of such standards.

Sec. 7. Any person, firm or corporation violating any of the provisions of this Act in regard to the standard containers, or who shall make, sell, or offer to sell containers of different size or dimensions from the standards established by this Act, except as provided in Section 3 of this Act shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in any sum not less than one hundred (\$100) dollars and not more than one thousand (\$1,000) dollars, and each sale shall constitute a separate offense, and venue shall be had in the courts of competent jurisdiction in the county where the sale is made, as well as in the county where such container or crate was made.

Sec. 8. Any grower, shipper or shipper's agent who shall violate any of the provisions of this Act relating to standards of grade and pack, or

who shall refuse to conform to the standards of grade and pack as hereinabove established, or hereafter established under the provisions of this Act, or who shall refuse to submit to the inspection of his products by the State inspector employed by the association or the shippers' agent handling the products for the growers, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten (\$10) dollars and not more than one hundred (\$100) dollars.

Sec. 9. The holding of any section or any provision of this Act, void or invalid, by any court of competent jurisdiction in this State shall in no wise vitiate or invalidate any other section or provision of this Act.

Sec. 10. The fact that there is now no standard of containers, grades and packs in this State, and the further fact that the season for the shipment of fruits and vegetables is now approaching, and the crowded condition of the calendar, create an imperative public necessity requiring the suspension of the constitutional rule which requires all bills to be read on three several days, and said rule is so suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Engrossed Rider to House Bill No. 419.

1. Amend the printed bill, page 3, by inserting after the word "box," in line 24 the following: "All peaches in the same crate or package shall be as nearly as possible of a uniform degree of ripeness."

2. Amend the printed bill, page 5, by inserting after the word "basket," in line 16, the following: "all tomatoes in the same crate or package shall be as nearly as possible of a uniform degree of ripeness."

3. Amend the printed bill, page 7, by inserting after the word "package," in line 15, the following: "and provided further that a variation of not more than three per cent of actual count may be made in the number of any kind of fruit prescribed for each particular pack."

4. Amend the printed bill, page 8, by inserting after the word "shipper," in line 30, the word "packer."

Adopted March 12, 1917.

BOB BARKER,
Chief Clerk.

Amend H. B. No. 419 by striking

out the words, "not less than one hundred dollars and"—(\$100.00) lines 25 and 26, page 8.

Amend H. B. No. 419, Sec. 8, page 8, line 38, by striking out the words "not less than ten (\$10.00) dollars and"—

Adopted March 12, 1917.

BOB BARKER,
Chief Clerk.

By Fairchild and H. B. No. 249.
Valentine.

A BILL
To Be Entitled

An Act amending Article 1903 of the Revised Civil Statutes of the State of Texas of 1911, so as to render a verified plea of privilege prima facie proof of the right of the defendant to change of venue and providing for procedure thereon.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Article 1903 of the Revised Civil Statutes of Texas for 1911 be amended so as to hereafter read as follows:

Article 1903. A plea of privilege to be sued in the county of one's residence shall be sufficient, if it be in writing and sworn to, and shall state that the party claiming such privilege was not, at the institution of such suit, nor at the time of the service of such process thereon, nor at the time of filing such plea, a resident of the county in which such suit was instituted and shall state the county of his residence at the time of such plea, and that none of the exceptions to the exclusive venue in the county of one's residence mentioned in Article 1830 or Article 2308 of the Revised Statutes exist in said cause; and such plea of privilege when filed shall be prima facie proof of the defendant's right to change of venue. If, however, the plaintiff desires to controvert the plea of privilege, he shall file a controverting plea under oath, setting out specifically the fact or facts relied upon to confer venue of such cause on the court where the cause is pending. Upon the filing of such controverting plea the judge or the justice of the peace shall note on same a time for a hearing on the plea of privilege; provided, however, that the hearing thereon shall not be had until a copy of such controverting plea, including

a copy of such notation thereon, shall have been served on each defendant, or his attorney, for at least ten full days exclusive of the day of service and day of hearing. If the parties agree upon a date for such hearing it shall not be necessary to serve the copy above provided for. Either party may appeal from the judgment sustaining or overruling the plea of privilege, and if the judgment is one sustaining the plea of privilege and an appeal is taken, such appeal shall suspend the transfer of the venue and a trial of the cause pending the final determination of such appeal.

Committee Reports.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 486, A bill to be entitled "An Act making an emergency appropriation for the support of the Deaf and Dumb and Blind Institute for Colored Youths for the fiscal year ending August 31, 1917, and declaring an emergency."

Have had the same under consideration, and beg to report the same back to the Senate, with the recommendation that it do pass, and be printed in the Journal only.

Caldwell, Vice Chairman; Johnson, Clark, Hopkins, Decherd, Bee, Dean, Johnston of Harris.

By Caldwell. S. B. No. 486.

A BILL
To Be Entitled

An Act making an emergency appropriation for the support of the Deaf and Dumb and Blind Institute for colored youths for the fiscal year ending August 31, 1917, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That the following sums of money or so much thereof as necessary be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appro-

appropriated to pay deficiencies arising in the appropriation for the Deaf and Dumb and Blind Institute for colored youths for the fiscal year ending August 31, 1917:

For groceries, clothing and other emergencies\$2500.00

Sec. 2. The importance of the subject matter of this Act, the near approach of the end of the session, and the crowded condition of the calendar create an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each House be suspended, and it is so suspended, and that this Act be in force from and after its passage, and it is so enacted.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 477, A bill to be entitled "An Act making appropriations for deficiencies in appropriation made for the support of the Texas School for the Blind, for the fiscal year ending August 31, 1917, and declaring an emergency,"

Have had the same under consideration and beg leave to report same back to the Senate, with the recommendation that it do pass, and be printed in the Journal only.

Caldwell, Vice Chairman; Parr, Page, Dean, Johnston of Harris, Westbrook, Johnson, King, Hopkins, Clark.

By Hudspeth. S. B. No. 477.

A BILL To Be Entitled

An Act making appropriations for deficiencies in appropriation made for the support of the Texas School for the Blind, for the fiscal year ending August 31, 1917, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay de-

iciencies arising in the appropriation for the Texas School for the Blind for the fiscal year ending August 31, 1917:

For stamps, stationery, copy books, telephone rent, telephoning and telegraphing..\$150.00
For salary of teacher of high first grade for three and one-half months 262.50
For salary of stenographer and office assistant for six months 240.00

Sec. 2. The near approach of the end of the session, and the fact that the appropriation for the items hereinabove appropriated for has been exhausted creates an emergency and an imperative public necessity requiring that the constitutional rule providing that bills shall be read on three several days be suspended, and the same is so suspended, and that this Act be in full force and effect from and after its passage, and it is so enacted.

Enrolling Committee Reports.

Committee Room
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 452 and find it correctly enrolled, and have this day at 11:20 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 471 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room.
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No.

359 and find it correctly enrolled, and have this day at 11:20 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room.

Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 26 and find it correctly enrolled, and have this day at 11:20 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room.

Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 250 and find it correctly enrolled, and have this day at 11:20 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Clark.

S. B. No. 250.

An Act to amend Section 50a, Chapter 100, Acts of the Regular Session of the Thirty-second Legislature, relating to the authority of commissioners' courts to create county line school districts; so as to authorize boards of county school trustees to create such districts and prescribing the manner whereby such districts may be created, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 50a, Chapter 100, Acts of the Thirty-second Legislature, be so amended as to hereafter read as follows:

Section 50a. The boards of county school trustees of the several counties of the State of Texas shall have full power and authority to create common school districts, to contain territory within two or more counties of this State. In creating a common county line school district the boards of county school trustees of each county having territory in the school created shall each pass an order describing the

territory desired to be created into such school district by metes and bounds, giving the course and direction with the exact length of each line contained in such description and locating each corner called for upon the ground, and shall also give the acres of each survey and parts of survey of lands contained in such district, together with a map showing the conditions upon the ground as described in the field notes, giving the number of acres of land contained in each survey and parts of survey contained in each county; also showing the exact position and location of the county line in the territory created into a common county line school district. The said order of each board of county school trustees shall also designate and name some one of the counties having territory included in the description of such common county line school district to manage and have control of the public school in such common county line school district.

The said common county line school district shall have no authority or power until the said order of the board of county school trustees has been passed by the board of county school trustees of each county having territory included in such common county line school district; provided, that no common county line school district shall be created with a less area than nine square miles, and shall be laid out in as near the shape of a square as possible, and in no event shall the length of such district be greater than the width plus one-half of the width of such district.

Sec. 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Provided that nothing in this Act shall affect any litigation now pending growing out of county line boundaries.

Sec. 3. The fact that the present law fails to allow county line school districts to be created with the same amount of territory as other common school districts creates an emergency and imperative public necessity, calling for the suspension of the constitutional rule requiring bills to be read on three separate days and the same is hereby suspended, and this Act shall be effective after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the
Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 447 and find it correctly enrolled, and have this day at 11:20 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Clark.

S. B. No. 447.

An Act to amend Chapter 10 of the Acts of the Thirty-third Legislature so as hereafter to read as follows:

Be it enacted by the Legislature of the State of Texas:

Section 10. Each road commissioner of Colorado County shall be entitled to five dollars per day for services actually performed in any one year, said per diem to be paid out of the road fund, when the amount shall have been approved by the commissioners court; and the court shall not approve said account unless the commissioner presenting same shall sign an affidavit to the same that the account is just, due and unpaid, and that the work was actually performed by him, and that it was necessary to be done, and said account shall specify the number of days worked by him and the dates thereof, and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner and receiving pay therefor; provided, however, that in no event shall each county commissioner, when acting either as county commissioner or road commissioner, or both, be paid in any one fiscal year in a sum in excess of nine hundred dollars (\$900), the same to be paid in monthly installments.

Sec. 2. The fact that several of the counties named in the bill are now engaged in extensive road building creates an emergency and a necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this Act be in effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the
Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 363 and find it correctly enrolled, and have this day at 11:20 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Bee.

S. B. No. 363.

A BILL To Be Entitled

An Act to prescribe the time of holding the terms of the district court in the various counties comprising the Thirty-eighth Judicial District of the State of Texas, and to repeal all laws in conflict therewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following counties shall compose the Thirty-eighth Judicial District of Texas, to wit: Kendall, Uvalde, Zavala, Medina, Bandera, Edwards, Real and Kerr, and the time of holding the district court therein shall be as follows:

In the county of Kendall, on the first Monday in March and September, and may continue in session two weeks.

In the County of Zavala, on the second Monday after the first Monday in March and September, and may continue in session two weeks.

In the County of Uvalde, on the fourth Monday after the first Monday in March and September, and may continue in session four weeks.

In the County of Medina, on the eighth Monday after the first Monday in March and September, and may continue in session three weeks.

In the County of Bandera, on the eleventh Monday after the first Monday in March and September, and may continue in session two weeks.

In the County of Edwards, on the fourteenth Monday after the first Monday in March and September, and may continue in session two weeks.

In the County of Real, on the sixteenth Monday after the first Monday

in March and on the first Monday in January, and may continue in session two weeks.

In the County of Kerr, on the eighteenth Monday after the first Monday in March and on the third Monday in January and may continue in session three weeks.

Sec. 2. All writs, process, recognizances and bonds issued, entered into or executed prior to the taking effect of this Act and returnable to terms of court heretofore fixed by law in the several counties composing said district, are hereby made returnable to the terms of said court as fixed by this Act, and shall be as valid and binding as if no change had been made in holding said courts.

Sec. 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. The necessity for a change in times of holding court in said district and the crowded condition of the calendar, create an emergency and imperative public necessity requiring a suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and that this Act be in force and effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 14, 1917.

Hon. W. P. Hobby; President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 357 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Hudspeth.

S. B. No. 357.

A BILL To Be Entitled

An Act to amend Chapter 173 of the Regular Session of the Thirty-third Legislature approved April 9, 1913, relating to the prospecting for and the development of the minerals and other substances in the public land, public islands and public waters and river beds and channels owned by the State, and

in the unsold land belonging to the public free school fund, the University fund and the several asylums fund, and in such of said land as has heretofore been sold or may hereafter be sold with the reservation of the minerals and other substances therein to the fund to which the land belongs; providing the royalty and other sums and compensation to be paid to the State and owners of the surface, and appropriating the proceeds to certain funds; providing for ingress and egress; providing one may pay cash for mineral claims and obtain patents and change former claims to rights under this Act; providing for the adoption of rules and regulations by the Commissioner of the General Land Office; repealing the remaining portion of this said Chapter 173, which may not be amended and all other statutes in conflict with this Act and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All of Chapter 173 of the Regular Session of the Thirty-third Legislature approved April 9, 1913, shall be so amended as to hereafter read as follows:

Section 1. All public school, University and asylum land and other public lands, fresh water lakes, river beds and channels, islands, bays, marshes, reefs and salt water lakes belonging to the State and all lands which may hereafter be so owned and all of said lands which have heretofore been sold or disposed of by the State or by its authority with a reservation of minerals or mineral rights therein, as well as all lands which may hereafter be sold with the reservation of minerals or mineral rights therein, and lands purchased with a relinquishment of the minerals therein, shall be included within the provisions of this Act and shall be open to the prospecting for and the development of the minerals and substances known as gold, silver, cinabar, lead, tin, copper, zinc, platinum, radioactive minerals, tungsten, ores of aluminum, coal, lignite, iron ore, kaolin, fire clays, barite, marble, petroleum, natural gas, gypsum, ni-

trates, asbestos, marls, salt, onyx, turquois, mica, guano, bismuth and bismuth-bearing minerals, asphalt, potash compounds, sulphur, graphite, magnesia, fuller's earth and molybdenum and molybdenum-bearing minerals upon the terms and conditions provided in this Act.

Sec. 2. Any person or association of persons, corporate or otherwise, being a citizen of the United States or having declared an intention of becoming such, desiring to obtain the right to prospect for and develop the minerals and substances named above that may be in any of the areas included herein may do so under the provisions of this Act together with such rules and regulations as may be adopted by the Commissioner of the General Land Office relative thereto and necessary for the execution of the purposes of this Act.

Sec. 3. One desiring to obtain the right to prospect for and develop petroleum oil and natural gas that may be in any of the surveyed areas included herein shall file with the county clerk an application in writing giving a designation of same sufficient to identify it. The county clerk shall, upon receipt of one dollar as a filing fee, file and record the application and note the same on his record of surveys opposite the entry of the proper survey, giving the time of filing. When one has obtained four sections or that equivalent eligible to be embraced in one permit such applicant shall not obtain any more land within two miles thereof, but if one obtains less than four sections eligible to be embraced in one permit such one may obtain such additional area within two miles of the other area as will equal four sections. One shall not obtain more than one thousand acres within one mile of a well producing petroleum.

Sec. 4. One desiring to obtain the right to prospect for and develop petroleum and natural gas in any of the State's unsurveyed areas named in this Act shall file with the county surveyor an application in writing for each area applied for, giving a designation of same sufficient to identify it, but such area shall not exceed 2560 acres. Upon receipt of one dollar filing fee the surveyor shall file and record the application.

Sec. 5. When the Commissioner receives an application that was filed with the county clerk or an appli-

cation that was filed with the surveyor and the field notes and plat, one dollar filing fee and ten cents per acre for each acre applied for and a sworn statement by the applicant showing what interest he has in other permit, lease or patent issued under this Act and in good standing, he shall file same, and if upon examination the application or the application and field notes are found correct and the area applied for is within the provisions of this Act, the Commissioner shall issue to the applicant or his assignee a permit conferring upon him an exclusive right to prospect for and develop petroleum and natural gas within the designated area for a term not to exceed two years.

Sec. 6. Before the expiration of six months after the date of the permit the owner thereof shall in good faith begin actual work necessary to the physical development of said area and if petroleum or natural gas is not sooner developed in commercial quantities the owner or manager shall, within thirty days after the expiration of one year from the date of the permit, file in the General Land Office a sworn statement supported by two disinterested credible persons that such actual work was begun within the first six months aforesaid and that a bona fide effort to develop the said area was made during the six months preceding the filing of the statement and showing what work was done and expenditures incurred and whether or not petroleum or natural gas had been discovered in commercial quantities. A failure to file the statement herein provided for within the time specified or the filing of a statement untrue or false in material matters shall subject the permit to forfeiture and the termination of the rights of the owner. The owner of a permit shall not take, carry away or sell any petroleum or natural gas before obtaining a lease therefor; provided, such quantity as may be necessary for the continued development of the area before obtaining a lease may be used without accounting therefor.

Sec. 7. If at any time within the life of a permit one should develop petroleum or natural gas in commercial quantities the owner or manager shall file in the General Land Office a statement of such development within thirty days thereafter, and thereupon the

owner of the permit shall have the right to lease the area included in the permit upon the following conditions:

1. An application and a first payment of two dollars per acre for a lease of the area included in the permit shall be made to the Commissioner of the General Land Office within thirty days after the discovery of petroleum or natural gas in commercial quantities.

2. Upon the payment of two dollars per acre for each acre in the permit a lease shall be issued for a term of ten years or less, as may be desired by the applicant, and with the option of a renewal or renewals for an equal or shorter period, and annually after the expiration of the first year after the date of the lease the sum of two dollars per acre shall be paid during the life of the lease, and in addition thereto the owner of the lease shall pay a sum of money equal to a royalty of one-eighth of the value of the gross production of petroleum. The owner of a gas well shall pay a royalty of one-tenth of the value of the meter output of all gas disposed of off the premises.

3. The royalties shall be paid to the State through the Commissioner of the General Land Office at Austin, monthly during the life of the lease. All payments shall be accompanied by the sworn statement of the owner or manager or other authorized agent showing the amount produced since the last report and the market value of the output and a copy of all pipe line receipts, tank receipts, gauge of all tanks into which petroleum may have been run, or other checks and memoranda of amount put out or into pipe lines or tanks or pools. The books and accounts, the receipts and discharges of all pipe lines, tanks and pools and gas lines and gas pipes and all other matters pertaining to the production, transportation and marketing of the output shall be open to the examination and inspection at all times by the Commissioner of the General Land Office or his representative or any other person authorized by the Governor or Attorney General to represent the State. The value of any unpaid royalty and any sum due the State under this Act upon any lease shall become a prior lien upon all production produced upon the leased areas and the improve-

ments situated thereon to secure the payment of any royalty and any sum due the State arising under the operation of any portion of this Act.

4. The permit or lease shall contain the terms upon which it is issued, including the authority of the Commissioner to require the drilling of wells necessary to offset wells drilled upon adjacent private land, and such other matters as the Commissioner may deem important to the rights of the applicant or the State.

Sec. 8. In the event the surface of an area included within the operations of this Act has heretofore been or may hereafter be acquired by one prior to the filing of an application under the provisions herein such area shall nevertheless be subject to prospect and lease as provided herein, but the owner of the permit or lease shall pay to the owner of the surface annually in advance during the life of the permit or lease, ten cents per acre and the sum so paid and accepted by the surface owner shall be full compensation for all damages to the surface.

Sec. 9. Every person or association of persons, corporate or otherwise, applying for a permit, lease or patent shall file with the application a sworn statement showing what interest the applicant has in any other permit or lease issued by the State and in good standing at the date of the statement.

Coal and Lignite.

Sec. 10. Any person, association of persons, corporate or otherwise, that may desire to acquire the right to prospect for and mine coal, lignite or sulphur may do so by complying with the following conditions, namely:

1. Post up a notice to the effect that the applicant has located a coal, lignite or sulphur mine stating the area desired not to exceed 2560 acres or four sections of 640 acres each, more or less, and give the approximate courses and the approximate distances that the lines shall extend from the point at which the notice is posted and date the notice.

2. Within thirty days after the date of such posting the applicant shall file an application for a survey of the claim and accompany it with one dollar as a filing fee. The application shall state when the claim was first posted; provided, if

an applicant files on whole tracts or upon eighty acres or multiples thereof of surveyed land the application shall be filed in the office of the clerk of the proper county with one dollar as a filing fee and after being recorded by the clerk shall be filed in the General Land Office without field notes within thirty days after being filed with the county clerk and accompanied with one dollar as a filing fee.

3. Within ninety days from the filing of the application the surveyor shall survey the area in substantial compliance with the posted notice, record the field notes and make a plat of the survey. The application, field notes and plat shall be filed in the General Land Office within one hundred days after the application was filed with the surveyor, accompanied by one dollar as a filing fee and ten cents per acre for each acre included within the area embraced in the field notes or in the application if no field notes are required, and accompanied by a sworn statement by the applicant showing what interest he has in any other permit lease of patent issued under this Act and in good standing.

Sec. 11. The application and survey shall not differ so materially from the original posted notice as to defeat the rights of subsequent locators. Lines of previous surveys need not be regarded by an applicant unless he may desire to do so. When the surface is owned by another than the applicant the applicant shall pay to the surface owner ten cents per acre in advance each year during the life of the owner's claim.

Sec. 12. When the conditions imposed relating to coal, lignite and sulphur have been complied with and the application, field notes and plat have been approved by the Commissioner of the General Land Office, and the area found to be within the provisions hereof, the said Commissioner shall issue to the applicants or his assignees a separate permit for each area, according to the applicant's application, conferring upon the owner an exclusive right to prospect for, develop and put out coal, lignite and sulphur within the designated area for a term not to exceed five years. Before the expiration of one year after the date of the permit the

owner thereof shall in good faith begin actual work necessary to the physical development of the area in each permit, and if coal, lignite or sulphur is not sooner developed in commercial quantities the owner or manager shall, within thirty days after the expiration of each year, except the fifth, from the date of the permit, file in the General Land Office a sworn statement supported by two disinterested credible persons that such actual work was begun within the required time and that a bona fide effort to develop the said area was made during each preceding year of the permit and showing what work was done and expenditures incurred, and whether or not coal or lignite had been discovered in commercial quantities. If the Commissioner is satisfied that the owner has been diligent and has made a bona fide effort to develop the area, such owner shall have the right to prospect the area for another year. Within thirty days after coal, lignite or sulphur has been found in commercial quantities the owner shall apply for a lease of the area included in the permit, and such lease may be granted for a term not to exceed ten years, with the right of renewal or renewals for the same or a less term. If coal, lignite or sulphur should not be developed in commercial quantities and a lease applied for within five years after the date of the permit, the rights of the owner shall terminate and the area be again subject to prospect and development by another than the forfeiting owner. For every ton of coal mined the owner shall pay to the State a royalty of ten cents, and for every ton of lignite mined the owner shall pay to the State a royalty of seven cents, and for every ton of sulphur mined the owner shall pay to the State a royalty of twenty-five cents, said payments to be made monthly through the Commissioner of the General Land Office at Austin and the remittances shall be accompanied by the sworn statement of the owner or manager showing the number of tons mined and to whom sold and the selling price. All the books, accounts, weights and wage contracts, correspondence and other papers in any way pertaining to the

operation of any mine under this Act shall be open to the inspection of the Commissioner of the General Land Office or his representative and any other representative of the State appointed by the Governor or Attorney General. All coal and lignite mines shall be kept in reasonably continuous operation and shall be operated in conformity with rules and regulations prescribed by the State Inspector of Mines and the General statute relating thereto.

Other Minerals.

Sec. 13. A mining claim upon any mineral or other substance mentioned in this Act except petroleum, natural gas, coal or lignite and sulphur shall not exceed eighty acres, and such claim shall be of unlimited depth and bounded by four vertical planes. The locator shall be entitled to all the minerals and substances in the area that are named in this Act except petroleum, natural gas, coal, lignite and sulphur and shall have the exclusive right to prospect for, develop and put out the minerals and substances upon the terms and conditions imposed by the provisions of this Act.

Sec. 14. One desiring to file on any area for any mineral or other substance included within the operation of this Act except petroleum, natural gas, coal, lignite and sulphur shall proceed in the manner provided for under coal, lignite and sulphur and the terms and conditions prescribed therein shall be the procedure and required in all other cases except for petroleum and natural gas. The length of no claim or combination of claims shall exceed twice the width. If an area applied for in one application is composed of two or more tracts of not more than eighty acres each nor more than five tracts all of such areas shall be contiguous. When one has obtained five claims eligible to be embraced in one permit such applicant shall not obtain any more claims within one mile thereof, but if one obtains less than five claims eligible to be embraced in one permit such one may obtain such additional area within one mile of the other as will equal five full claims of eighty acres each.

Sec. 15. When the application, field notes and plat have been filed in the General Land Office together

with a sworn statement by the applicant showing what interest he had in any other permit, lease or patent issued under this Act and still in good standing, and the papers have been approved by the Commissioner, the applicant or his assignee shall be entitled to the right to prospect for, develop and put out all the minerals and substances named in this Act that may be found in the area, except petroleum, natural gas, coal, lignite and sulphur for a period of five years and upon the terms and conditions provided herein, and as evidence of such right, the Commissioner shall issue to the applicant or his assignee a permit for the term of five years upon the same terms, conditions and requirements that are provided for permits for coal, lignite and sulphur so far as applicable. And leases shall be applied for and issued within the five years upon the same terms, conditions and requirements that are provided for leases for coal, lignite and sulphur so far as applicable. In all reports of development work the kind of mineral or other substances found shall be given. So far as practicable every provision and requirement relating to coal, lignite and sulphur shall apply to the applicant and the State in the matter of other minerals and substances except petroleum and natural gas unless otherwise provided herein. In full payment to the State for the right to take from any mining claim for any mineral or substance included in this Act except petroleum, natural gas, coal, lignite or sulphur, the owner shall pay to the State through the Commissioner of the General Land Office at Austin a royalty equivalent to five per centum of the value of the total gross production sold or disposed of from such mining claim or one hundred dollars per acre as provided in this Act.

General Provisions.

Sec. 16. The general provisions in this and the following sections shall apply to all the foregoing provisions so far as applicable.

Surveyed land within the meaning of this Act shall include all tracts for which there are approved field notes on file in the General Land Office and eighty acre tracts and multiples thereof of such surveys.

Unsurveyed areas within the meaning of this Act include all areas for

which there are no approved field notes on file in the General Land Office.

All applications for surveyed land shall be filed with the clerk of the county in which the tract or a portion thereof is situated or with the clerk of the county to which such county may be attached for judicial purposes and accompanied by one dollar filing fee, and it shall be filed in the General Land Office within thirty days after it was filed with the county clerk and accompanied by one dollar filing fee.

All applications for unsurveyed areas shall be filed with the county surveyor or his deputy of the county in which the area or a part thereof is situated, accompanied by one dollar filing fee, but if such county has no surveyor then the application shall be filed with the clerk of the proper county and by him recorded in the surveyor's records, and in that event the area may be surveyed by the surveyor of the nearest county as now provided by law. The area shall be surveyed within ninety days and the application, field notes and plat shall be filed in the General Land Office, accompanied by a filing fee of one dollar, within one hundred days after the date of the filing of the application.

The payment per acre required to be made before the issuance of a permit shall be paid annually thereafter during the life of the permit or lease.

A separate written application shall be made for the area desired in a permit. No permit, lease or patent shall embrace the area in two or more applications.

No application, permit, lease or patent shall embrace a divided area.

Whole tracts of surveyed land may be applied for as a whole, or in eighty-acre tracts or multiples thereof without furnishing field notes therefor.

A duplicate of every permit and lease shall be kept in the General Land Office.

The area in each permit shall be developed independently of other areas.

When one desires a lease or patent any one or more whole tracts in the permit may be abandoned by relinquishment filed in the General Land Office as herein provided and thereupon obtain a lease or patent upon the remaining area; provided

such remaining area is in a solid body.

An owner may relinquish a permit or lease at any time by having the deed of relinquishment acknowledged, recorded by the proper county clerk and filed in the General Land Office accompanied by one dollar filing fee. The Commissioner of the General Land Office shall mail notice to the proper county clerk of the filing of the relinquishment and when said notice has had time through due course of mail to reach said clerk the area shall be subject to applications as in the first instance.

Sec. 17. The proceeds arising from activities under this Act which affects land belonging to the public free school fund, the permanent University fund and the permanent fund of the several asylums shall be credited to the permanent fund of said institutions and the proceeds arising from the activities affecting other areas shall be credited to the Game, Fish and Oyster fund.

Sec. 18. The owner of a file or permit or lease under any provision of this Act may sell same and the rights secured thereby at any time, also fix a lien of any kind thereon to any person, association of persons, corporate or otherwise, who may be qualified to receive a permit or lease in the first instance; provided, the instrument evidencing the sale or lien shall be recorded in the county where the area or a part thereof is situated or in the county to which such county may be attached for judicial purposes and same shall be filed in the General Land Office within sixty days after the date thereof accompanied with a filing fee of one dollar, and if not so filed the contract evidenced by said instrument shall be void and the obligations therein assumed shall not be enforceable; provided further, a sublease contract need not be filed in the General Land Office.

Sec. 19. If a permit or lease should be issued upon a statement by the applicant which is false or untrue in material matters, or should the owner of a permit fail or refuse to begin in good faith the work necessary to the development of the area within the time required, or should the owner of a permit fail or refuse to proceed in good faith

and with reasonable diligence in a bona fide effort to develop an area included in his permit after having begun the development, or should the owner of a permit fail or refuse to apply for a lease within the prescribed time, or should the owner of a lease fail or refuse to proceed in good faith and with reasonable diligence and in a bona fide effort to develop, operate and put out the mineral or other substance at any time during the life of the lease, or should the owner of a lease fail or refuse to make proper remittances in payment of royalty or other payments, or fail or refuse to make the proper statement, or fail to furnish the required evidence of the output and market value and material matters relating thereto when requested, or fail to make the annual payment on the area when requested so to do, the permit or lease, as the case may be, shall be subject to forfeiture, and when the Commissioner is sufficiently informed of the facts which subject the permit or lease to forfeiture, he may declare same forfeited by proper entry upon the duplicate permit or lease kept in the General Land Office. When forfeiture has been declared, a notice of that fact shall be mailed to the proper county clerk and the area shall be subject to the application of another than the forfeiting owner when the notice has had time to reach the county clerk through due course of mail; provided, the Commissioner may exercise large discretion in the matter of requiring one to develop gas wells; and provided, further, that all forfeitures may within the discretion of the Commissioner be set aside and all rights reinstated before the rights of another intervene.

Sec. 20. An owner of any claim for any mineral or substance included in this Act may fell and remove for building or mining purposes any timber upon any of the unsold areas included within this Act, and shall also have the right to occupy within the limits of his application, permit or lease, so much of the surface thereof as may be necessary for the development of the minerals and substances therein,

and shall have the right of ingress to and from the area embraced in the file, permit, lease or patent. Ten cents per acre shall be paid to the owner of the surface and when accepted by the owner, it shall be deemed full compensation for such damages as may be occasioned to the surface through the occupancy and operation by the owner of the permit, lease or patent.

Sec. 21. Neither the filing of an application under any provision of this Act nor the issuance of a permit or lease on any of the unsold land included herein shall prevent the sale of the surface without the minerals and in case of such sale subsequent to the posting of any notice or the filing of an application the purchaser shall not be entitled to the ten cents per acre that is provided for owners of the surface at the time of filing nor shall such owner be entitled to any damages that may be occasioned by the working of any area.

Sec. 22. All development in water or on islands, marshes, reefs or river beds and channels shall be done under such regulations as will prevent the pollution of the water and for the prevention of such pollution the Commissioner of the General Land Office may call upon the Game, Fish and Oyster Commissioner for assistance in the adoption and enforcement of rules and regulations for the protection of the waters from such pollution. The Commissioner of the General Land Office may cancel a claim, location, file, permit or lease or patent for a failure or refusal of the owner to comply with such rules and regulations as may be adopted.

Sec. 23. Should any mineral or substance within the provisions of this Act, other than those included in the permit or lease under which one is operating, be discovered while the area is being worked for the minerals and substances embraced in such permit or lease, the owner thereof shall have a preference right for sixty days after such discovery in which to file on the area allowed one for such mineral or other substance by complying with the provisions of this Act relating to the mineral or substance so discovered, but shall not be required to pay either of the additional ten cents per acre to the State or the owner of the surface, and the remaining portion of said area shall be subject to the ap-

plication of others in the same manner as if there were no pre-existing file thereon.

Sec. 24. If the owner of a claim upon any mineral or other substance named in this Act, other than petroleum and natural gas, which has been acquired under any previous statute, should desire to accept the provisions of this Act and operate hereunder he may do so by filing a declaration to that effect in the General Land Office together with the payment required in the particular instance and obtain a permit or lease by complying with the provisions hereof relating thereto. The rights under such acceptance shall begin from the date the declaration is filed and the owner shall have the same rights thereafter as is accorded those who make original filings under this Act.

Sec. 25. At any time during the life of a permit but prior to accepting a lease upon any area for any mineral or other substance included within the provisions of this Act, except petroleum and natural gas, the owner of a permit may elect to pay one hundred dollars per acre for the area embraced in his permit and obtain, under the rules governing the issuance of patents to land, a patent for all the minerals that may be in such area except petroleum and natural gas in lieu of the payment of the royalty as provided in this Act; provided, however, one shall pay the prescribed royalty on all minerals and substances put out and disposed of while developing the area prior to obtaining a lease or patent.

Sec. 26. The Commissioner of the General Land Office shall have the general supervision of all matters necessary for the proper administration of this Act and he is authorized to adopt rules and regulations and to alter or amend them from time to time as he may deem necessary for the protection of the interests involved and not inconsistent with the provisions herein.

Sec. 27. Rights acquired under this Act shall be subject to taxation as is other property.

Sec. 28. Chapter 173, approved April 9, 1913, and all other laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 29. The fact that portions of the mineral statute are so incongruous and difficult of interpretation as to

be almost inoperative and the fact that a law clear in its terms and ample to secure the development of the State's mineral wealth is badly needed and the near approach to the close of the session create an emergency and an imperative public necessity exists that the constitutional rule which requires bills to be read on three several days in each house be suspended and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 166 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented the same to the Governor for his approval.

SMITH, Chairman.

By Smith.

S. B. No. 166

A BILL To Be Entitled

An Act to authorize the City Council, Board of Commissioners or City Manager of any incorporated city in this State to levy and collect a tax not to exceed five cents on each \$100.00 of assessed valuation of the city for one year for the purchase and improvement of lands for city parks, and providing the manner of acquiring lands for park purposes, and providing for the management and control of said city parks, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the City Council, Board of Commissioners or City Manager of any incorporated city in this State is hereby authorized to levy and collect a tax not to exceed five cents on each \$100.00 of assessed valuation of the city for the purchase and improvement of lands for use as City Parks.

Sec. 2. The city parks provided for in this Act shall not exceed two in number for each two thousand inhabitants; and it is further provided, that where the city council, Board of Commissioners or City Manager desires to establish

more than one of such city parks it shall be their duty to locate such parks in widely separated portions of the city so as to place them as near as practicable within the convenient reach of all the citizens of the city.

Sec. 3. Said City Council, Board of Commissioners or City Manager shall have full power and control over any and all city parks as provided for in this Act, and they shall have the right to levy and collect an annual tax sufficient in their judgment to properly maintain such parks, not to exceed five cents on each one hundred dollars of assessed valuation of the city.

Sec. 4. The improvement of lands for use as City Parks, as provided for in Section 1. of this Act authorizes the City Council, Board of Commissioners or City Manager to build and construct pavilions and such other buildings as they may deem necessary, to lay out and open driveways and walks, to pave the same or any part thereof, in such manner and of such material as said City Council, Board of Commissioners or City Manager may deem advisable; to set out trees and shrubbery, construct ditches or lakes, and to make such other improvements as they deem proper and necessary.

Sec. 5. City parks established under the provisions of this Act shall remain open for the free use of the public under such reasonable rules and regulations as the city council, board of commissioners or city manager may prescribe. But no person, firm or association of persons shall have the right to offer for sale or barter, exhibiting anything or conduct any place of amusement where a fee is charged within said parks without first obtaining the consent of the city council, board of commissioners or city manager or its duly authorized agent or agents, paying for such privilege or concession such sum as may be agreed upon by the person, firm or association of persons and the city council, board of commissioners or city manager or its duly authorized agent or agents; and provided, further, that all revenues derived from the sale of such rights, privileges or concessions shall go into

a fund for the maintenance of said parks.

Sec. 6. The fact that the regular legislative session will likely last but sixty days, that the calendar is already in a crowded condition, and that it is essential to the welfare of the people of this State that this measure shall at once become effective, creates an emergency and imperative public necessity requiring that the constitutional rule which provided that bills shall be read on three several days shall be suspended, and the same is hereby suspended and this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 14, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 381 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Decherd.

S. B. No. 381.

A BILL

To Be Entitled

An Act to amend Article 735, Chapter 4, Title 12, of the Revised Criminal Statutes of 1911, of the State of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 735, of Chapter 4, of Title 12, of the Revised Criminal Statutes of 1911 of the State of Texas, be amended so as to hereafter read as follows:

Article 735. Any manufacturer, importer, or agent, selling, offering or exposing for sale, any concentrated commercial feeding stuff as defined in Article 731, without the statement required by Article 730, and the tax tag required by Article 734, or with a label stating that said feeding stuff contains a larger percentage of protein, fat, or nitrogen-free extract, or a smaller per cent of crude fiber, than is contained therein, shall, on conviction, be fined not less than one hundred dollars nor more than five hundred dollars for the first convic-

tion and not less than five hundred dollars nor more than one thousand dollars for each subsequent conviction.

Sec. 2. The fact that the present law is uncertain and is of doubtful meaning, and the fact that there is no adequate law for the punishment of persons violating the provisions of Article 730, 731 and 734, relating to the sale of feed stuff in the State of Texas, creates an emergency and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

FIFTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
Thursday, March 15, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Hudspeth.

Prayer by the Rev. Mr. Moody of Alvin; Texas.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Clark.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Stenographer Appointed.

The Chair announced the appointment of Miss Margaret Fry as stenographer to Senator Alderdice, to take the place of Miss Frankie Wren, who resigned the 10th inst.

Special Committee—Senate Concurrent Resolution No. 28.

To serve on the committee provided for in Senate Concurrent Resolution No. 28 I appoint the following: Senators Floyd, Lattimore and McNealus.

W. P. HOBBY,
Lieutenant Governor.

Bills and Resolutions.

By Senators Page, Alderdice, Bee and Strickland.

S. B. No. 487, A bill to be entitled "An Act making appropriations for deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1912, 1913, 1914, 1915, 1916 and part of 1917, being the claims registered in the office of the Comptroller of Public Accounts in accordance with the law, and for outstanding claims not registered and to be registered, and to make additional emergency appropriations for the support of the State Government for the year ending August, 31, 1917, and declaring an emergency."

Read first time and referred to Committee on Finance.

Simple Resolution No. 124.

Be it resolved, That one thousand (1000) copies of Governor Ferguson's initial message to the Thirty-fifth Legislature be printed for distribution and paid for out of the contingent expense fund of the Senate.

PAGE.

The resolution was read and adopted.